



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Twenty Eighth day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice C.V.KARTHIKEYAN

CMP(MD) No.3142 of 2017
IN
AS(MD) No.SR13426 of 2017

THE SPECIAL TAHSILDAR(LA)
SPECIAL MINOR IRRIGATION PROGRAMME,
VIRUDHUNAGAR.

... PETITIONER / APPELLANT

Vs

1 ALAGARSAMY (EXPIRED)
2 MAHADEVI
3 USHARANI
4 SUJATHA
5 JAYAM
6 DHANAPRIYA
7 MINOR GANESHBABU
D/O. ALAGARSAMY

... RESPONDENTS/ RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 3403 days in filing the above AS(MD) SR 13426/2017.

PRAYER IN AS(MD) No.SR13426 of 2017:-

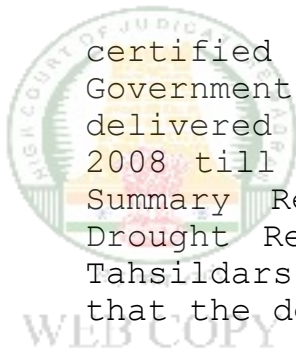
to set aside the judgment and decree of the Learned Subordinate Court, Aruppukottai in L.A.O.P.No.25 of 2004 dated 08.06.2007 on its file and allow the First Appeal.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.R.VELMURUGAN, Advocate for the petitioner and Mr.D.SAKKARAVARTHI, Advocate for R2 to R7, the court made the following order:-

CMP(MD)No.3142 of 2017 had been filed by the appellant to condone the delay of 3403 days in filing the AS(MD)No.SR13426 of 2017.

2. Heard the learned Government Pleader Mr.R.Velmurugan.

3. In the reasons given seeking to condone the delay, it had been stated that the learned Subordinate Judge had pronounced the judgment on 08.06.2007. The Government Pleader filed a copy application on 13.06.2007, the stamps were called on 30.07.2007 and



certified copy was delivered on 20.09.2007. It was forwarded to the Government on 05.10.2007. The printed copy of the judgment was delivered on 09.06.2008. Thereafter, it had been stated that from 2008 till 2017, the Officials were involved in law and order duty, Summary Revision of Electoral Rolls and other election works, Drought Relief works, transfer and posting of assistants, Deputy Tahsildars, Tahsildar and other officials. It was therefore stated that the delay should be condoned.

3. It would have been appreciable if the Government had spent atleast one day in preferring the appeal. On the other hand, the Government seems to have woken up to the necessity of filing the present application after 9 years. With respect to the same, the learned Counsel for the respondent Mr.D.Sakkaravarthi, who appears for R2 to R7 brought to the notice of this Court, Order dated 21.04.2016 in CMP(MD)No.3594 to 3636 of 2016 in which also applications to condone the delay in preferring the first appeal against the Land Acquisition Proceedings relating to the same subject matter as in the present appeal, have been considered by this Court and the CMP(MD)Nos.3594 to 3696 of 2016 had been dismissed. Those CMP had been dismissed nearly one year back.

4. This application has been now presented after one year of such dismissal. In view of the attitude and lack of interest of the Government Officials, the delay cannot be condoned. Consequently, the CMP(MD)No.3142 of 2017 is dismissed.

sd/-
28/04/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE SUBORDINATE JUDGE,
ARUPPUKOTTAI

+1. C.C. to SPL. GOVT PLEADER , SR.No.5240

+1 cc to Mr.D.SAKKARAVARTHI, ADVOCATE, SR NO: 21741

JAM/04.05.17/KK/SAR 4 / 2P-4C

ORDER
IN
CMP(MD) No.3142 of 2017
IN
AS(MD) No.SR13426 of 2017
Date :28/04/2017