



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

Thursday, the Seventh day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.VENUGOPAL
and
The Hon`ble Mrs.Justice R.THARANI

CMP(MD) No.9368 of 2017
IN
WA(MD) No.SR40443 of 2017

THE EXECUTIVE OFFICER
BATHALAKUNDU TOWN PANCHYAT,
DINDIGUL DISTRICT .

... APPELLANT/2nd RESPONDENT

Vs

1 K.CHIDAMBARAM ... 1st RESPONDENT / WRIT PETITIONER

2 THE ADDITIONAL DIRECTOR,
O/O.THE ADDITIONAL DIRECTOR OF PANCHAYAT ADMINISTRATION,
DINDIGUL DISTRICT
COLLECTORATE OFFICE BUILDINGS,
DINDIGUL. ... 2nd RESPONDENT / 1st RESPONDENT

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 81 days in filing the above Writ Appeal.

PRAYER IN WA(MD) No.SR40443 of 2017:-

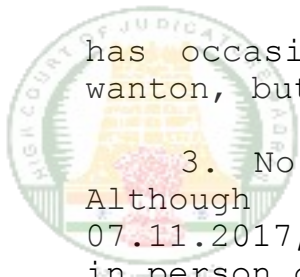
to set aside the order dated 20.06.2017 passed in WP(MD)No.7340 of 2017 and allow the Writ appeal.

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.C.VENKATESH KUMAR, Advocate for M/S.AJMAL ASSOCIATES, for the petitioner and the court made the following order:-

[Order of the Court was made by **M.VENUGOPAL, J.**]

Heard the Learned Counsel for the Petitioner/Appellant and the Learned Special Government Pleader appearing for the second Respondent.

2. According to the Petitioner/Appellant, the present Writ appeal in W.A.(MD)SR.No.40443 of 2017 is filed with a delay of 81 days and the reason being that the Petitioner/Appellant got the bundle from the Learned Government Advocate and handed over the same to the Petitioner's Standing Counsel and in that process, there



has occasioned a delay of 81 days, which is neither wilful nor wanton, but, due to the aforesaid reason.

3. No counter is filed on behalf of the second Respondent. Although the first Respondent through Court was served on 07.11.2017, yet, today, there is no appearance on his behalf either in person or through Learned Counsel.

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4. Considering the fact that the Petitioner/Appellant/second Respondent has come out with a reason that the bundle was obtained from the Learned Government Advocate and thereafter, handed over to the Learned Standing Counsel and in that process, there has occasioned a delay of 81 days in preferring the instant intra-Court Writ Appeal in W.A.(MD)SR.No.40443 of 2017, at this stage, this Court, by taking a lenient, pragmatic, purposeful, meaningful and rational view, allows the Petition and condones the delay of 81 days, in the interest of justice, subject to the rider that the Petitioner/Appellant shall remit a sum of Rs.150/- (Rupees One Hundred and Fifty only) before the Tamil Nadu Mediation and Conciliation Centre, attached to the Madurai Bench of Madras High Court, Madurai, on or before 03.01.2018, failing which, it is made quite clear that the Petition shall stand automatically dismissed without any further reference to this Court.

sd/-

07/12/2017

/ TRUE COPY /

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

COPY TO

THE CO-ORDINATOR,
MEDIATION AND CONCILIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

JAM/12.12.17/PN/ SAR 1 / 2P-2C

ORDER
IN
CMP(MD) No.9368 of 2017
IN
WA(MD) No.SR40443 of 2017
Date :07/12/2017