

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2018

CORAM:

THE HON'BLE MR.JUSTICE **K.K.SASIDHARAN**
AND
THE HON'BLE MR.JUSTICE **P.VELMURUGAN**

CMP.No.2722 of 2018
in
W.A.No.SR86738 of 2017

1. The Managing Director,
Tamil Nadu Housing Board,
No.331, Anna Salai,
Nandanam, Chennai
 - 2.The Allottee Service Manager,
K.K.Nagar Division,
Tamil Nadu Housing Board,
Ashok Nagar Shopping Complex,
Chennai- 600 083.
 - 3.The Manager, Marketing and Services,
K.K.Nagar Division,
Tamil Nadu Housing Board,
Ashok Nagar Shopping Complex,
Chennai-600 083.
 - 4.The Executive Engineer and Administrative Officer,
Tamil Nadu Housing Board,
Ashok Nagar Shopping Complex,
Chennai-600 083
- ... Petitioners/Appellant

..Vs..

R.Rama ... Respondent/Respondent

Prayer:- Petition filed to condone the delay of 393 days in filing the Writ Appeal against the order dated 08.09.2016 in W.P.No.3298 of 2014.

For Petitioner : Mr.V.Anandhamoorthy

For Respondent : Mr.S.S.Jothivani

ORDER

(Order of the Court was made by K.K.SASIDHARAN, J.)

This Miscellaneous Petition is filed by the Tamil Nadu Housing Board to condone the delay of 393 days in filing the appeal against the order dated 08 November 2016 in W.P.No.3298 of 2014. The affidavit is sworn to by the Executive Engineer and Administrative Officer, Tamil Nadu Housing Board.

2. The affidavit filed in support of the Miscellaneous Petition is bereft of particulars. According to the petitioners, the copy of the order dated 08 September 2016 was received on 17 October 2016. Thereafter, particulars were called for from the concerned Division for filing the appeal. Since the original file was not traceable, there was some delay. Accordingly, the appeal was filed with a delay of 393 days.

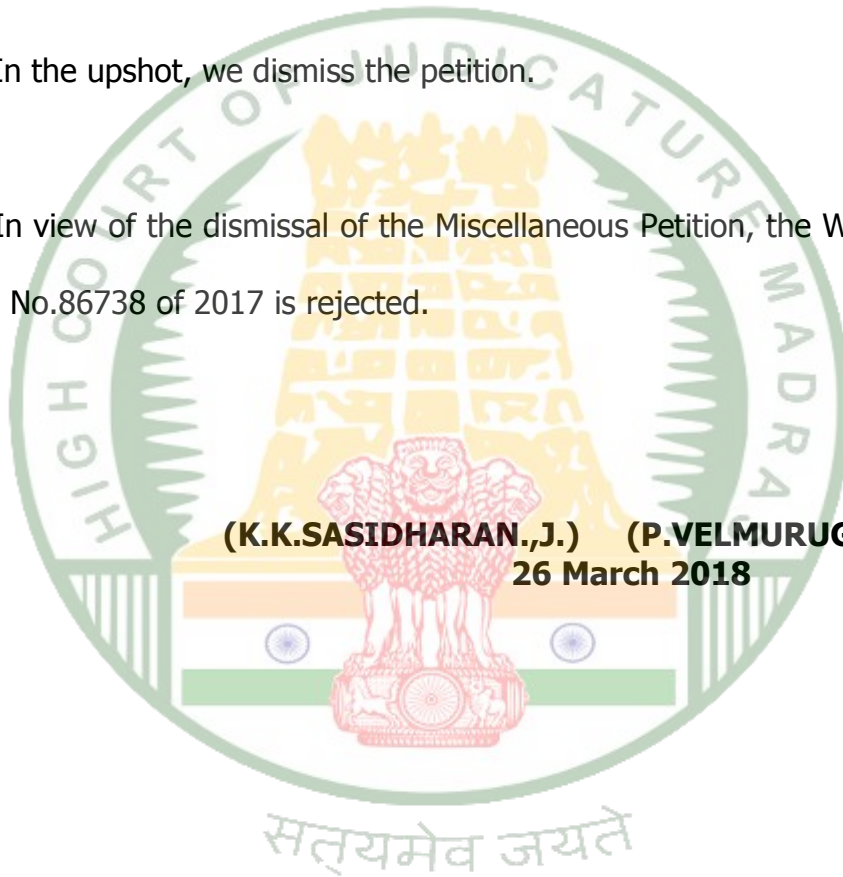
3. There are no reasons given by the petitioners for the delay from 17.10.2016 to 29.01.2018. There is no dispute that length of delay alone is not material. It is the reasons given by a party for condoning the delay would alone be material. There should be at least minimum reasons given by the

party for condoning the delay. However, in the affidavit filed in support of the Miscellaneous Petition, no such reasons were given by the petitioners. We are therefore of the view that the petitioners have not made out a case to condone the delay of 393 days.

4. In the upshot, we dismiss the petition.

5. In view of the dismissal of the Miscellaneous Petition, the Writ Appeal in W.A.Sr. No.86738 of 2017 is rejected.

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(K.K.SASIDHARAN,J.) (P.VELMURUGAN, J.)
26 March 2018

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**K.K.SASIDHARAN,J.
AND
P.VELMURUGAN,J.**

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