



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

Monday, the Nineteenth day of March Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN
and
The Hon`ble Mrs.Justice R.HEMALATHA

CMP(MD) No.10427 of 2017
IN
WA(MD) No.SR38235 of 2017

1 THE SPECIAL COMMISSIONER
AND THE COMMISSIONER OF LAND ADMINISTRATION,
CHEPAUK, CHENNAI-5.

2 THE DISTRICT COLLECTOR
SIVAGANGAI DISTRICT, SIVAGANGAI.

3 THE DISTRICT REVENUE OFFICER
SIVAGANGAI DISTRICT, SIVAGANGAI.

4 THE TAHSILDAR, DEVAKOTTAI. ... PETITIONERS/APPELLANTS

Vs

TMT.MEENAKSHI ... RESPONDENT/RESPONDENT

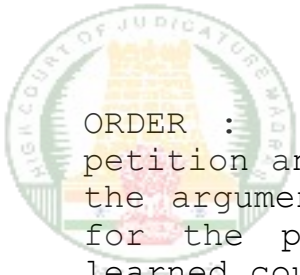
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 878 days in filing the above Writ Appeal as against the order in WP(MD)No. 2230 of 2009 dated 10/03/2015.

PRAYER IN WA(MD)No.SR38235/2017:

To set aside the order dated 10.03.2015 made in WP(MD) No.2230 of 2009 and allow the writ appeal and thus render justice.

Prayer in WP(MD).2230/2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified mandamus, calling for the records relating to order dated 30/01/2009 in Na.Ka.E4/11416/2006 of the 2nd respondent and the order dt. 09/03/09 in Na.Ka.E4/11416/06 of the 3rd respondent and quash the same and restore the assignment in respect of the lands of an extent of 4.21 acres in survey no. J1/9/3 in Udayachi Group, Devakottai taluk in favour of the petitioner.



ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.A.K.BASKARAPANDIAN, Special Government Pleader for the petitioners and of MR.MAHADEVAN for M/S.AL.GANDHIMATHI, learned counsel for Respondent, the court made the following order:-

WEB COPY Heard Mr.A.K.Baskarapandian, learned Special Government Pleader appearing on behalf of the petitioners, Mr.Mahadevan for M/s.Al.Gandhimathi, learned counsel appearing for the respondent/writ petitioner and perused the affidavit filed in support of this petition.

2. The only issue arises for consideration in the main matter is as to whether the respondent/writ petitioner at the time of submitting application seeking assignment, was a landless and poor person or not and the learned Judge has also allowed the Writ Petition in favour of the petitioner and directed the official respondents to fix the land value as on the date of application submitted by the Writ Petitioner. Challenging the legality of the same, the present Writ Appeal is filed.

3. In Paragraph No.11 of the affidavit filed in support of this Civil Miscellaneous Petition, the reason cited is 'administrative delay' and however, this petition is strongly opposed by the learned counsel appearing for the respondent by drawing the attention of this Court to the counter-affidavit of the respondent and would submit that the delay is huge and enormous and except citing the above administrative delay, no plausible explanation is submitted as to such delay.

4. This Court taking into consideration the rival submissions and overall facts and circumstances of the case, is of the considered view that the delay in filing the above Writ Appeal (MD)No.SR38235 of 2017, is to be condoned by putting the petitioners/appellants on terms.

5. In the result, the delay is condoned and the petition is ordered subject to the condition that the petitioners/appellants shall jointly pay a sum of Rs.10,000/- (Rupees Ten Thousand Only), to the Coordinator of 'நம்பிக்கை மனவளர்ச்சி குன்றியோர் மையம்', Muthupatti, Sivagangai Taluk, on or before **23.03.2018** and on receipt of the same, the Coordinator of the said Home, shall utilise the said sum for the improvement/basic amenities of the Home.

4. Post the matter for compliance on **26.03.2018**.

sd/-
19/03/2018

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TO

1 THE SPECIAL COMMISSIONER
AND THE COMMISSIONER OF LAND ADMINISTRATION,
CHEPAUK, CHENNAI-5.

2 THE DISTRICT COLLECTOR
SIVAGANGAI DISTRICT, SIVAGANGAI.

3 THE DISTRICT REVENUE OFFICER
SIVAGANGAI DISTRICT, SIVAGANGAI.

4 THE TAHSILDAR, DEVAKOTTAI.

COPY TO : THE CO-ORDINATOR,
NAMBIKKAI MANAVALARCHI KUNDRIYOR MAIYAM,
MUTHUPATTI, SIVAGANGAI TALUK.

ORDER
IN
CMP (MD) No.10427 of 2017
IN
WA (MD) No.SR38235 of 2017
Date :19/03/2018

PK/RR-CSL/SAR-4/22.03.2018 : 3P/6C