



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

Tuesday, the Sixth day of March Two Thousand Eighteen

PRESENT

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

CMP(MD) No.1319 of 2018
IN
WA(MD) No.SR5467 of 2018

- 1 THE DISTRICT COLLECTOR
DINDIGUL DISTRICT.
- 2 THE REVENUE DIVISIONAL OFFICER
DINDIGUL, DINDIGUL DISTRICT.
- 3 THE TAHSILDAR, NILAKOTTAI TALUK,
DINDIGUL DISTRICT. ... PETITIONERS/APPELLANTS

Vs

- 1 KURAISSA BEEVI, (DIED)
- 2 S.NAZAR,
- 3 S.ITHAYATHULLA,
(PETITIONERS 2 AND 3 SUBSTITUTED
A LRS. OF THE DECEASED SOLE
PETITIONER VIDE ORDER DATED
24.04.2015) ... 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 187 days in filing the above appeal filed as against the order dated 09.03.2017 in W.P.(MD).No.14771 of 2013, on the file of this Hon'ble Court.

Prayer in WP(MD). 14771/ 2013 :

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 ifn Na.Ka.Nfo.1100/13/A4 dated 19.04.2013 on the file of the 3rd respondent and quash the same as illega, incompetent and without jurisdiction and further direct the 3rd respondent to grant patta in respect of the property measuring 26 cents of land in Old Survey No.641/6 presently in new Survey No.853/11 comprising of house property in D.No.72/8-2-4 with surrounding vacant space in Oruthattu Village, Ammainaickanur.



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.A.K.BASKARA PANDIAN, SPECIAL GOVERNMENT PLEADER, for the petitioner and of MR.H.LAKSHMI SHANKAR, Advocate for R2 &R3 the court made the following order:-

(Order of the Court was made by M.SATHYANARAYANAN, J)

Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the petitioners/appellants/official respondents would submit that the delay had occurred on account of the fact that the papers got mixed up with other bundles and also due to administrative delay and therefore the delay cannot be construed as neither willful nor wanton and hence pray for condonation of delay.

2.However, the learned counsel appearing for the respondents 2 and 3 has strongly opposed this petition alleging the non-implementation and willful violence of the order, contempt petition has been filed and notices were also ordered, then only the present Writ Appeal is filed and prays for dismissal of the petition.

3.This Court has considered the rival submissions and also perused the materials placed on record.

4.In the light of the above facts and circumstances, this Court is of the considered view that for ordering this petition, the petitioners have to be put on terms:-

In the result, this petition is ordered and the delay is condoned subject to the condition that the petitioners shall jointly pay a sum of Rs.2,000/- to the Advocate Clerk Welfare Association, Chamber No.33, Madurai Bench of Madras High Court on or before 12.03.2018.

5.Call on 13.03.2018 for reporting compliance.

sd/-
06/03/2018

/ TRUE COPY /



TO

1 THE DISTRICT COLLECTOR
DINDIGUL DISTRICT.

2 THE REVENUE DIVISIONAL OFFICER
DINDIGUL, DINDIGUL DISTRICT.

3 THE TAHSILDAR, NILAKOTTAI TALUK,
DINDIGUL DISTRICT.

GJM/CSL/SAR-2-9.3.18-3P-4C

ORDER

IN

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Date :06/03/2018