



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

Wednesday, the Fourth day of July Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice K.RAVICHANDRABAABU
and
The Hon`ble Mrs.Justice T.KRISHNAVALLI

CMP(MD) No.11314 of 2017
IN

WA(MD) No.SR48869 of 2017

1 THE DISTRICT REVENUE OFFICER,
SIVAGANGAI.

2 THE REVENUE DIVISIONAL OFFICER
DEVAKOTTAI.

3 THE TAHSILDAR,
KARAIKUDI.

... PETITIONERS/APPELLANTS

Vs

LAKSHMANAN,

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 1380 days in filing this Writ Appeal as against the order in WP(MD).No.7680 of 2009 dated 24/01/2014.

PRAYER IN WA(MD) No.SR48869 of 2017:

to prefer this Memorandum of Grounds of Writ Appeal against the order dated 24.01.2014 made in WP(MD)No.7680 of 2009 passed by this Hon'ble Court.

Prayer in WP(MD). 7680/ 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records relating to the impugned order of the first respondent dated 17/07/2009 in Na.Ka.C2/54392/2008 confirming the order of the second respondent dated 01/08/08 in Na.Ka.no. a3/5466/2004 and quash the same.

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.MU.MUTHUR, Additional Government Pleader for the petitioner and of MR.J.ANANDKUMAR for MR.AL.KANNAN, Advocate for the respondent, the court made the following order:-



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

This Miscellaneous Petition is filed seeking to condone the delay of 1380 days in filing the above Writ Appeal against the order made in W.P(MD)No.7680 of 2009, dated 24.01.2014.

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2.This application is opposed by the respondent by filing a counter affidavit. Heard both sides and perused the materials placed before us.

3.It is not in dispute that the Writ Court disposed of the Writ Petition on 24.01.2014. However, it is stated by the proposed appellants/Petitioners that the order copy was received by the first Petitioner only on 04.12.2017 and thereafter, the matter was referred to the Government for getting necessary instructions. Absolutely, there is no explanation as to why the order copy was received by the first petitioner only on 04.12.2017, even though the Writ Court passed the order on 24.01.2014. No details whatsoever are furnished with regard to the dates and events in respect of filing the Copy Application and receipt of such copy of the order passed in the Writ Petition from the Registry. Except saying that the order copy was received by the first Petitioner on 4.12.2017 and that the matter was referred to the Government for getting necessary instructions followed by obtaining legal opinion from the Government Pleader's Office, the Petitioners have not explained the delay, which is undoubtedly enormous, to the satisfaction of this Court. Though each and every day delay need not be explained, however, it is expected that the Petitioners should come out with all the facts and circumstances with dates and events to explain and convince the Court by placing material details and particulars cogently, which had caused such delay in filing the appeal. Those details are absolutely absent in the affidavit filed in support of the Petition. Therefore, the petition seeking for condoning the delay accompanied by the affidavit filed by the District Revenue Officer, Sivagangai with bereft of necessary particulars and details is liable to be rejected. Therefore, We are not inclined to condone such enormous delay of 1380 in filing the above appeal.

4.Accordingly, this Miscellaneous Petition is dismissed.

sd/-
04/07/2018

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



1 THE DISTRICT REVENUE OFFICER,
SIVAGANGAI.

2 THE REVENUE DIVISIONAL OFFICER
DEVAKOTTAI.

3 THE TAHSILDAR,
KARAIKUDI.

+1 cc to Special Government Pleader SR.No.71541

+1 cc to MR.AL.KANNAN, Advocate SR.No.71561

ORDER
IN
CMP (MD) No.11314 of 2017
IN
WA (MD) No.SR48869 of 2017
Date :04/07/2018

SMA/JC/ASVM/16.07.2018:3P/6C