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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 19.03.2018

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE R.THARANI

C.M.P. (MD) .No.2406 of 2018

in

W.A. (MD) .No.SR4410 of 2018

1. The Principal Secretary to Government,
Revenue Department,
Secretariat,
Chennai-600 009.
2. The Principal Secretary/
Commissioner of Revenue Administration,
Ezhizhagam,
Chepauk, Chennai-600 005.
3. The District Collector,
Thoothukudi District,
Thoothukudi.
4. The District Revenue Officer,
Thoothukudi District,
Thoothukudi.

... Petitioners Appellants

Vs.

P.Karuppasamy

... Respondent / Respondent

PRAYER in C.M.P. (MD) .No.2406 of 2018: This petition filed under Section 5 of the Limitation Act, to condone the delay of 1705 days in filing the writ appeal, as against the order dated 10.04.2013 made in W.P. (MD) .Nos.835 and 2099 of 2013 on the file of this Court.

PRAYER in W.A. (MD) .No.SR4410 of 2018: Writ Appeal filed under Clause 15 of Letters Patent Act, against the order passed by this Court in W.P. (MD) .Nos.835 and 2099 of 2013, dated 10.04.2013.

For Petitioners : Mr.VR.Shanmuganathan
Special Government Pleader

**JUDGMENT**

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

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Heard Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the petitioners.

2.This petition has been filed to condone the delay of 1705 days in filing the writ appeal, as against the order of this Court passed in W.P.(MD).Nos.835 and 2099 of 2013, dated 10.04.2013.

3.The appellants have not filed the writ appeal in time and there is a delay of 1705 days. Admittedly, the delay is inordinate. Therefore, the petitioner is required establish before this Court with bonafide reason that the appeal could not be presented within a time, inspite of diligent steps.

4.We have gone through the affidavit filed in support of the condone delay petition. Though the affidavit contains 15 paragraphs, the first 13 paragraphs deals with the merits of the matter and paragraph No.14 states about what steps they have taken after the appellants/petitioners were served with the copy of the order passed in the writ petition, which was received on 03.06.2013. It appears that upto 04.07.2013 the appellants waited for the matter and thereafter, it is alleged that the bundles got misplaced in the office of the third petitioner, District Collector Thoothukudi. Further, it is submitted that due to administrative reason, in obtaining the views of Law Officers and take a decision on filing the appeal in consultation with the officials of the various Departments considerable time was spent and therefore, there is a delay. All the averments set out in Paragraph No.14 are absolutely vague. There is no proper explanation for the inordinate delay of 1075 days. Hence we are not inclined to exercise the discretion to condone the delay. Thus, the petitioners having not shown sufficient cause for condoning the delay, this petition is dismissed. No costs. Consequently, the writ appeal is dismissed at SR stage.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

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MV:JC:SAR2:27/04/2018/2P/1C

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