



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

Thursday, the First day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice S.RAMATHILAGAM

WEB COPY

CMP(MD) No.3348 of 2016
IN
SA.No.1335 of 2004

1.THE SPECIAL TAHSILDAR
(ADI DRAVIDAR WELFARE DEPARTMENT), CUM LAND
ACQUISITION OFFICER, PADMANABHAPURAM,
THUCKALAY, KANYAKUMARI DISTRICT.

2.THE DISTRICT REVENUE OFFICER
KANYAKUMARI DISTRICT,
NAGERCOIL.

... PETITIONERS/PETITIONERS/APPELLANTS

Vs

1 PADMINI DEVI (DIED)
2 CHANDRASEKARAN NAIR
3 KRISHNA KUMAR
4 DINESH KUMAR ...RESPONDENTS 2 TO 4/PROPOSED RESPONDENTS 2 TO 4/
LR's OF DECEASED SOLE RESPONDENT

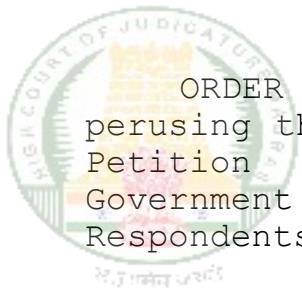
Prayer in CMP:-

This Petition filed under Section 5 of the Limitation Act
praying to Condone the delay of 293 days in filing the petition to
set aside the order in MP.(MD).No.1/2012 in SA.No.1335/2004 dated
29.04.2015 on the file of this Honourable Court .

Prayer in MP(MD). 1/ 2012 in SA.1335/2004 :

This Petition filed under Section 5 of Limitation Act,
praying to Condone the delay of 1628 days in filing the petition to
set aside the abatement caused due to the death of the sole
respondent in SA.No.1335/2004 .

PRAYER IN SA.No.1335 of 2004 : Second Appeal is filed under Section
13 of the Tanil Nadu Acquisition of Land for Harijan Welfare Scheme
Act (Act 31/78) read with Section 100 of the Code of Civil
Procedure against the Judgment and Decree dated 15.11.2002 made in
LA.CMA.No.1 of 2001, on the file of the Subordinate Court,
Padmanabhapuram, modifying the Award dated 30.09.1996 made in Award
No.2 of 1996-1997, passed by the Special Tahsildar [ADW] and Land
Acquisition Officer, Padmanabhapuram.



ORDER : This petition coming on for hearing on this day upon perusing the Petition and the affidavit and material papers of this Petition and upon hearing the arguments of Mr.A.Thiyagarajan, Government Advocate, and Mr.V.Balamohan Thambi, Advocate for the Respondents, this Court made the following Order:-

This Civil Miscellaneous Petition has been filed to condone the delay of 293 days in filing the petition to set aside the order in M.P.(MD)No.1 of 2012 in S.A.No.1335 of 2004 dated 29.04.2015.

2.M.P.(MD)No.1 of 2012 in S.A.No.1335 of 2004 was filed to condone the delay of 1628 days in filing the petition to set aside the abatement caused due to the death of the sole respondent in S.A.No.1335 of 2004. Already this Miscellaneous Petition was heard and order passed on merits on 29.04.2015, wherein the Miscellaneous Petition was dismissed.

3.It is represented by the learned counsel for the respondents that the Second Appeal also dismissed on 22.02.2016. There is also a clear finding that when already the Miscellaneous Petition seeking to condone the delay of 1628 days in filing the petition was dismissed, there was nothing survives for considering the Second Appeal. Hence, the Second Appeal was dismissed as abated.

4.Hence, there is no merit in keeping this petition. Hence, this Civil Miscellaneous petition is dismissed.

Sd/-

Assistant Registrar(CSII)

/ TRUE COPY /

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

TO

1.THE SUBORDINATE JUDGE
PADMANABHAPURAM

2.THE SPECIAL TAHSILDAR

(ADI DRAVIDAR WELFARE DEPARTMENT CUM LAND ACQUISITION OFFICER)
PADMANABHAPURAM, THUCKALAY, KANYAKUMARI DISTRICT

3.THE DISTRICT REVENUE OFFICER

KANYAKUMARI DISTRICT, NAGERCOIL

+One cc to The Special Government Pleader, SR.No.46015

RL/5C/2P/JC/SAR4/13/3/2018

ORDER DATE : 01/02/2018

ORDER

CMP(MD) No.3348 of 2016

IN

SA.No.1335 of 2004

GIVING DIRECTIONS ETC.,

AS STATED WITHIN