

C.M.P.No.19973 of 2019
in
W.A.No.SR112759 of 2019

N.KIRUBAKARAN, J.
and
P.VELMURUGAN, J.

(Order of the Court was made by **N.KIRUBAKARAN,J.**)

This petition has been filed to condone the delay of 241 days in filing the Writ Appeal against the order dated 12.10.2018 in W.P.No.28499 of 2015 filed by the petitioner.

2.The petitioner had filed the Writ Petition viz., W.P.No.28499 of 2015 seeking a Writ of Mandamus, directing the First respondent / Central Information Commission / Second Appellate Authority to pass separate order imposing penalty on each and every complaint after conducting the hearing meeting as mentioned above for his wilful denial of information under RTI Act 2005 in his presence and also to pass order to the Fourth Respondent / CPIO, MHC to provide him Information as requested and subsequently pass order to the Second respondent / Secretary, CIC to

grant and pay a sum of Rupees Five Crores to him (petitioner) as compensation for subjecting him to mental sufferings, humiliation and for gross violation of his rights. The said Writ Petition, on contest, was dismissed on 12.10.2018 in the open Court itself. Challenging the said order, the proposed appeal has been filed along with the present condone delay petition.

3.Heard Mr.B.Bharathi, party-in-person/petitioner and Mr.B.Vijay, learned Counsel for the third and fourth respondents.

4.The case of the petitioner is that as stated in Paragraph No.3 of the affidavit filed in support of this petition, he filed copy application in the month of November 2018. However, he was not given the order copy in time and finally, he got the copy of the order on 31.07.2019 and therefore, he stated that the Registry alone is responsible for the delay.

5.A perusal of the affidavit would show that he is a regular litigant appearing as party-in-person and expressed his grievances in many other

cases filed by him. It is evident from the records that the Writ Petition was dismissed in the open Court on 12.10.2018 itself. As per the circular issued by Registry in R.O.C.No.683/2002/F1 dated 05.03.2002, three days time is given for applying order copy. If the petitioner is really interested, he should have applied for the order copy on or before 15.10.2018. Since he claims himself to be a regular litigant as evident from the affidavit filed in support of this petition, he should be aware of the procedures and he should have applied for the order copy within three days from the pronouncement of the order.

6.However, he applied for the order copy only on 01.11.2018 for the reasons best known to him. Further, there is no explanation as to why he had belatedly filed the copy application on 01.11.2018, when the order was pronounced on 12.10.2018 in the open Court itself. Even as per Paragraph No.3 of the affidavit filed by him, he stated that he had filed the copy application in the month of November 2018 and the certified copy of the order was not made available to him in spite of his repeated requests and it was given only on 31.07.2019. The said allegation itself is wrong and false.

7.A perusal of the records especially the order copy would show that the order copy was made ready as per C.D.No.20450 of 2018 on 02.01.2019. The stamps affixed on the order copy issued in C.D.No.20450 of 2018 would reveal the said fact. However, if the order copy was not made ready, the petitioner should have followed the matter and should have filed the appeal in time. The petitioner, according to his sweet will, received the order copy belatedly on 31.07.2019 and had filed the condone delay petition stating that registry was responsible for the delay.

8.Firstly, there was delay on the part of the petitioner in filing the copy application i.e., within three days from the pronouncement of the order on or before 15.10.2018 whereas he had filed the copy application on 01.11.2018 with a delay of 15 days. Thereafter, everyday is a delay which should be explained by him. Further, by suppressing the facts, the petitioner pleaded before this Court by making false representations and allegations viz., the parties were heard and the order was reserved and he does not know when the order was pronounced and so he cannot be expected to follow up the matter as he is a party-in-person.

9.However, Mr.B.Vijay, learned Counsel for the third and fourth respondents categorically stated that the parties were heard and the order had been pronounced in the open Court itself. Thereafter, the petitioner reluctantly admitted that the order was pronounced in the open Court. There is a deliberate attempt made by the petitioner to mislead the Court for the reasons best known to him. As already stated, he is not only misleading the Court, but also trying to make allegations against the Registry as if the Registry had delayed. It was the petitioner who applied for the order copy belatedly and for which the present petition has been filed. Hence, for the reasons stated above, this Court is not convinced with the reasons stated in the affidavit filed in support of this petition to condone the delay of 241 days in filing the appeal. Further, the petitioner has to be condemned for the above said facts.

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10.In the result, this petition is dismissed with a cost of Rs.10,000/- to be paid by the petitioner to the Chief Justice Relief Fund within a period of two weeks from the date of receipt of the copy of this Order failing which,

concerned jurisdictional Tahsildar where the petitioner is residing, is directed to collect either the money or auction the petitioner's property under Revenue Recovery Act to realise the cost imposed within a period of four weeks thereon.

(N.K.K.,J.) (P.V.,J.)
18.10.2019

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Note: Registry is directed to forward the order copy to the jurisdictional Tahsildar concerned.

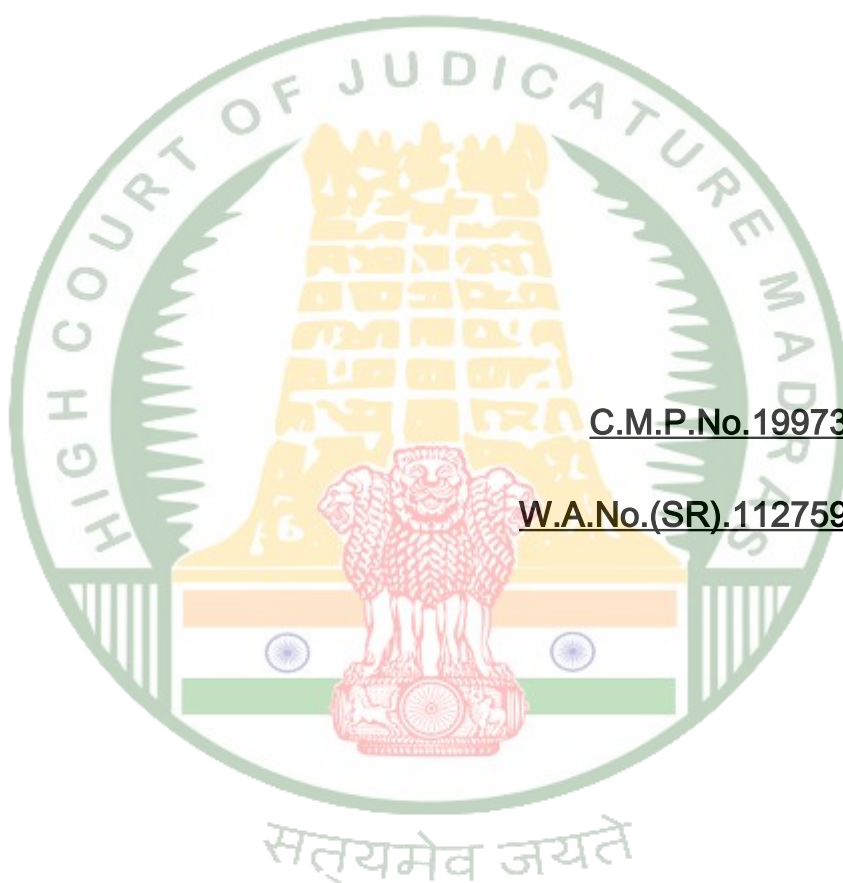


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Dated : 18.10.2019