

In the High Court of Judicature at Madras

Dated : 12.2.2019

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mrs.Justice V.BHAVANI SUBBAROYAN

CMP.No.21848 of 2018 & WA.SR.No.108670 of 2018

K.Buvaneswari rep.by her General
Power of Attorney K.Gajalakshmi

...Petitioner/
Appellant

Vs

- 1.The Principal Secretary to
Government of Tamil Nadu,
Highways & Minor Ports (HW2)
Department, Fort.St.George,
Chennai-9.
- 2.The District Collector,
Kancheepuram, Kancheepuram Dist.
- 3.The Special Tahsildar (Land
Acquisition), Inner Ring Road Plan,
Chrompet, Chennai-44.
- 4.The District Revenue Divisional
Officer (Land Acquisition Officer),
Kancheepuram.
- 5.Meenakshi
- 6.Narmatha
- 7.Senthil Kumar
- 8.J.Amirtha Valli
- 9.J.Jegajothi
- 10.J.Selva Prakash
- 11.M.Selvi

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12.Minor M.Logesh minor rep.by
mother & natural guardian M.Selvi

13.S.Varalakshmi
14.A.Kalavathi

...Respondents/
Respondents

PETITION under Section 5 of the Limitation Act to condone the delay of
88 days in filing the writ appeal.

APPEAL under Clause 15 of the Letters Patent against the order dated
28.4.2018 in W.P.No.27761 of 2017.

Petitioner/Appellant : Party in Person
For Respondents 1 to 4 : Mr.V.Anandhamurthi, AGP
For Respondents 5 to 7 : Ms.Vijayalakshmi Natarajan

Judgment was delivered by T.S.SIVAGNANAM,J

We have heard the petitioner/appellant – appearing in person.

2. The writ appeal is directed against the order dated 28.4.2018 passed
in W.P.No.27761 of 2017.

3. The said writ petition was filed by K.Buvaneswari, represented by
her general power of attorney K.Gajalakshmi. The said K.Gajalakshmi, who is
stated to be the daughter of the said K.Buvaneswari, is appearing in person
before us.

4. The learned Single Judge, after considering the factual position in its
entirety and on going through the entire documents, recorded the following
findings :

"4. The petitioner has more or less parroted the same line of contention that she has taken up in WP.No.38501 of 2016 and the focus of her attack was on the genuineness of the partition deed dated 13.12.1985. According to the petitioner, she came to know of this partition deed sometime in the year 2000 when she obtained an encumbrance certificate, that she also objected to the proceedings of the Rent Controller in RCOP.No. 6 of 2000. This apart, this Court in its order dated 12.6.2017 in W.P.38501 of 2016 has made clear that if the petitioner was keen to impugn the genuineness of the partition deed that could not be done in a writ proceedings but before the appropriate Civil Court. It is very unfortunate that the petitioner who is represented in this proceedings by her daughter, continues to waste the time of this Court when she wants this Court to set at naught the partition deed dated 13.12.1985 in spite of the fact that she came to know of its existence almost in the year 2000. Unless the said partition deed is set aside, to which the petitioner's father Ekambara Mudaliar too was a party, in the manner known to law, the authorities would be free to rely on the same. It may be that a party may have an option to appear in person to conduct a judicial proceeding but that does not change the legal process necessary to establish her right and title to the property now acquired. Unfortunately, despite the fact that she has been instructed to

approach appropriate forum, the petitioner appears to be persisting with her attempts with a flare of rare optimism that neither law permits nor the legal process encourages.”

5. CMP.No.21848 of 2018 has been filed to condone the delay of 88 days in filing the writ appeal. Even at stage of delay condonation, the appellant – appearing in person appearing on behalf of her mother as a power agent wanted us to hear the main appeal itself. Since the appellant was not very clear in her submissions, we directed the learned Additional Government Pleader for the State and the learned counsel appearing for the private respondents to file a comprehensive typed set of papers containing all the earlier orders passed by this Court in the litigations initiated by the appellant. Accordingly, the documents were filed. When we heard the matter on 25.1.2019, we had clearly indicated that absolutely no ground was made out by the appellant to interfere with the order passed by the learned Single Judge. Nevertheless, the party in person insisted us to grant time and she went to the extent of saying that she is ready to take any order even if the Bench decides to impose cost on her. In order to afford sufficient opportunity to the appellant, we heard the appellant on the merits of the submissions and adjourned the matter.

6. Even today, we have elaborately heard the appellant appearing in person and we have also clearly indicated that there is no error in the order passed by the learned Single Judge. Despite the same, the appellant

appearing in person insisted on us and went to the extent of saying that she had written to the Registry to post the matter before a different Division Bench. However, we do not accede to any such prayer made by the appellant.

7. The learned Single Judge rightly held that the appellant continues to waste the time of this Court by arguing that this Court has to set at naught the partition deed dated 13.12.1985, which, even according to the appellant, she was aware in the year 2000 itself. We find that there is absolutely no error in the order passed by the learned Single Judge and that no case has been made out for interference.

8. Accordingly, CMP.No.21848 of 2018 is dismissed. Consequently, the writ appeal is rejected at the SR stage. No costs.

12.2.2019

Internet : Yes

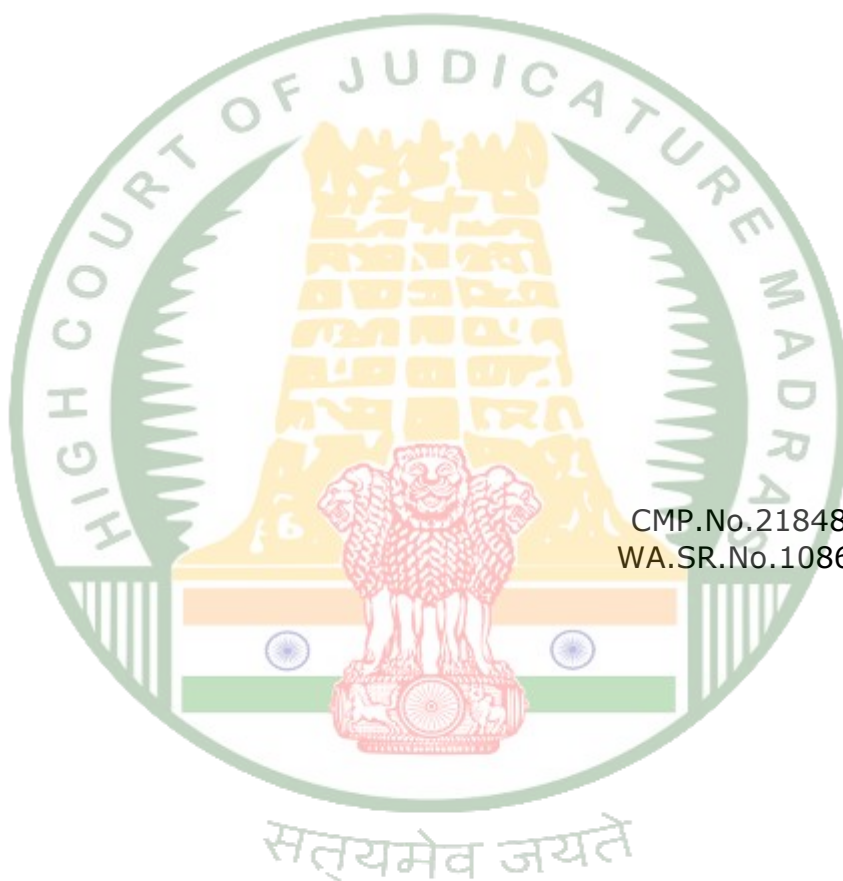
To

- 1.The Principal Secretary to Government of Tamil Nadu, Highways & Minor Ports (HW2) Department, Fort.St.George, Chennai-9.
- 2.The District Collector, Kancheepuram, Kancheepuram Dist.
- 3.The Special Tahsildar (Land Acquisition), Inner Ring Road Plan, Chrompet, Chennai-44.
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RS

T.S.SIVAGNANAM,J
AND
V.BHAVANI SUBBAROYAN,J

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