

In the High Court of Judicature at Madras

Dated : 02.1.2019

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

and

The Honourable Mr.Justice N.SATHISH KUMAR

CMP.Nos.19513, 19515, 19517 and 19523 of 2018 and
WA.SR.Nos.120093, 120091, 120092 and 120090 of 2018

1.The District Collector, Kancheepuram
District, Kancheepuram.

2.The Special Tahsildar (LA), MMRD
Scheme, Inner Ring Road, Chrompet,
Chennai-44.

Thangaraj

Subba Rao

Mohan

Sivakumar

...Petitioners in
CMP/appellants in
WAs

...Respondent in
CMP.19513/2018 &
WA.SR.120093/18

...Respondent in
CMP.19515/2018 &
WA.SR.120091/18

...Respondent in
CMP.19517/2018 &
WA.SR.120092/18

...Respondent in
CMP.19523/2018 &
WA.SR.120090/18

PETITIONS under Section 5 of the Limitation Act to condone the delay

of 553 days in filing the appeals (CMP.Nos.19513, 19515, 19517 and 19523 of 2018); and

WRIT APPEALS under Clause 15 of the Letters Patent against the common order dated 22.2.2017 respectively in WP.Nos.10677, 10832, 11412 and 11413 of 2012 (WA.SR.Nos.120093, 120091, 120092 and 120090 of 2018).

For Petitioners/Appellants : Mr.V.Anandha Moorthy, AGP

COMMON JUDGMENT

(Judgment was delivered by T.S.SIVAGNANAM,J)

We have heard Mr.V.Anandha Moorthy, learned Additional Government Pleader for the petitioners/appellants.

2. The above appeals are filed belatedly challenging the common order passed in WP.Nos.10677, 10832, 11412 and 11413 of 2012 dated 22.2.2017.

3. Admittedly, there is a delay of 553 days in filing the writ appeals. In the affidavits filed in support of the petitions, it has been stated that the copies of the common order passed in the writ petitions were received in the office of the first appellant/first petitioner on 17.4.2017, that immediately, opinion was sought for and that the opinion was given by the Government Pleader on 11.4.2018 i.e after about a year. It has been further stated that the legal opinion was obtained on 12.7.2018 and upon collection of necessary papers, the appeals have been filed with a delay of 553 days.

4. There is a clear discrepancy in the aforementioned dates. The delay has not been explained as to why the appellants did not pursue the matters with the learned Additional Government Pleader after obtaining the legal opinion at the earliest point of time. De hors the same, the affidavits state that the opinion was given on 11.4.2018 and it is also not clear as to why the legal opinion was obtained on 12.7.2018. Thus, the delay has not been properly explained and the appellants have not shown sufficient cause for condoning the inordinate delay of 553 days.

5. Though we are not satisfied with the reasons, we have heard the learned Additional Government Pleader for the petitioners/appellants on the merits of the matter. We find that the learned Single Judge had followed the earlier order made in WP.No.39883 of 2002 dated 07.1.2003, which order had become final and had been implemented. Further, the learned Single Judge also noted the proceedings of the Special Tahsildar (LA), Inner Ring Road Scheme, Guindy dated 14.7.2004 and held that the appellants were not justified in rejecting the applications filed by the erstwhile land owners for re-determination of the compensation under Section 28A of the Land Acquisition Act, 1894.

6. The learned Single Judge also noted that in the earlier round of litigation, the Court held that an exercise under Section 28A of the said Act had to be done within a period of three months from the date of the order and it was also made clear that the applications of the writ petitioners under

Section 28A of the said Act, subject to other conditions being fulfilled, should be entertained. The learned Single Judge rightly held that the Court has enlarged the time for filing the applications and in the absence of any doubt on this aspect, the learned Single Judge rightly held that the orders passed by the second appellant dated 08.2.2012 were not sustainable in law. Thus, for the above reasons namely on the ground that the appellants have not explained the inordinate delay in a proper manner as well as on merits, we find that the appellants have not made out any grounds to interfere with the common order passed by the learned Single Judge.

7. Accordingly, the above civil miscellaneous petitions are dismissed. Consequently, the writ appeals are rejected in the SR stage.

02.1.2019

Internet : Yes

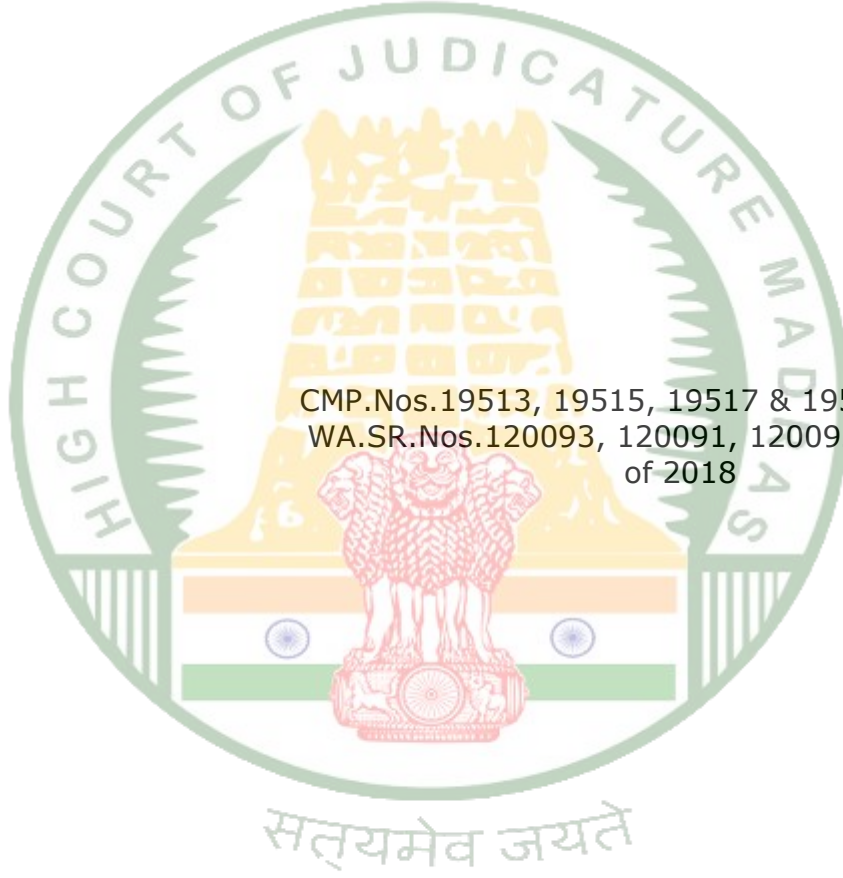
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T.S.SIVAGNANAM,J,

AND

N.SATHISH KUMAR,J

RS



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