



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 09.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.M.P. (MD)No.8818 of 2017

and

A.S. (MD)SR.No.14192 of 2006

The Special Tahsildar, (Land Acquisition)
Adi Dravidar Welfare Scheme,
Nilakkottai, Dindigul District. ... Petitioner/ Appellant
Vs.

1.Akkumariammal
2.P.Gopalakrishnan ... Respondents / Respondents

PRAYER in C.M.P. (MD)No.8818 of 2017: This petition is filed under Section 5 of the Limitation Act, to condone the delay of 1644 days in filing the above appeal.

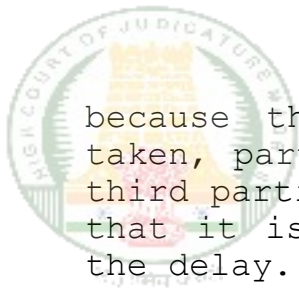
PRAYER in A.S. (MD)SR.No.14192 of 2006: This Appeal Suit is filed under Section 54 of Land Acquisition Act, to set aside the judgment and decree dated 29.06.2001 in L.A.O.P.No.161 of 1988 on the file of the III Additional Sub Court, Madurai.

For Appellant : Mr.N.Shanmugaselvam,
Additional Government Pleader.

JUDGMENT

This application is filed to condone the delay of 1644 days in filing the appeal against the judgment and decree of the Tribunal, dated 29.06.2001 in L.A.O.P.No.161 of 1988, enhancing the compensation fixed by the Land Acquisition Officer.

2.The main reason for the delay of 1644 days mentioned in the affidavit was that there was a delay in obtaining sanction from the Collector. It is to be noted that the affidavit filed in support of the condone delay petition is bereft of details. Merely, the ground that administrative sanction is delayed will not be sufficient to condone such huge delay. The Government has to explain each and every delay by giving official reasons. Mere having the file for years together without any progress and filing appeal to condone such huge delay, in fact, defeat the rights of the common man. While condoning the delay either by the Government or by the common man, the common yardstick have to be applied. Merely



because the litigant is the Government, liberal view cannot be taken, particularly, in condoning the delay, when the rights of the third parties have already been decided. Therefore, mere allegation that it is the administrative delay, is not sufficient to condone the delay.

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3. Accordingly, this civil miscellaneous petition is dismissed and the Appeal Suit is also dismissed at the SR Stage itself. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

Myr

To

The III Additional Sub Judge, Madurai.

Copy to:

The Section Officer, (2 Copies)
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

C.M.P. (MD)No.8818 of 2017

and

A.S. (MD) SR.No.14192 of 2006

09.12.2019

JMN(26.12.2019) 2P : 4C