

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

CMP.Nos.6975, 6978, 6980, 6982, 6983, 6984 and 6986 of 2020 in
A.S.SR.Nos.70576, 70596, 70592, 70580, 70588, 70584 and 70568 of 2018

The Special Deputy Collector (LA),
Tamil Nadu Urban Development Project – III,
Chennai at Poonamallee,
Chennai – 56. .. Petitioner / Appellant in all CMPs.

Vs.

1. E.S.Elangovan
2. E.S.Sathiyamoorthy
3. E.S.Saravanavelu
4. The Divisional Engineer (Highways)
Chennai Metropolitan Development Plan
(Division) Saidapet,
Chennai – 15.

.. Respondents/Respondents in CMP.No.6975 of 2020

1. D.Parangusam
2. The Divisional Engineer (Highways)
Chennai Metropolitan Development Plan
(Division) Saidapet,
Chennai – 15.

.. Respondents/Respondents in CMP.No.6978 of 2020

1. G.Ravichandran
2. The Divisional Engineer (Highways)
Chennai Metropolitan Development Plan
(Division) Saidapet,
Chennai – 15.

.. Respondents/Respondents in CMP.No.6980 of 2020

1. D.Sundaramurthy
2. The Divisional Engineer (Highways)
Chennai Metropolitan Development Plan
(Division) Saidapet,
Chennai – 15.

.. Respondents/Respondents in CMP.No.6982 of 2020

1. G.Ravichandran
2. The Divisional Engineer (Highways)
Chennai Metropolitan Development Plan
(Division) Saidapet,
Chennai – 15.

.. Respondents/Respondents in CMP.No.6983 of 2020

- 1.E.D.Sundaramurthy
2. The Divisional Engineer (Highways)
Chennai Metropolitan Development Plan
(Division) Saidapet,
Chennai – 15.

.. Respondents/Respondents in CMP.No.6984 of 2020

1. Kowsalya
2. D.Sivaprakasam
3. D.Pathipan
4. D.Ravikumar
5. D.Prabhakaran
6. The Divisional Engineer (Highways)
Chennai Metropolitan Development Plan
(Division) Saidapet, Chennai – 15.

.. Respondents/Respondents in CMP.No.6986 of 2020

These petitions have been filed Under Order 4 Rule 9 (4) of CPC to condone the delay of 443 days in representing the CRP (NPD) Sr.Nos.70576, 70596, 70592, 70580, 70588, 70584 and 70568 of 2018 respectively filed against the order passed in LAOP.Nos.78, 83, 82, 79, 81, 80 of 2015 and 11 of 2016 respectively dated 16.12.2017 on the file of the Special Subordinate Court, Tiruvallur.

For Petitioner : Mr.J.Balagopal, SGP (AS)
in all CMPs

COMMON ORDER

These Miscellaneous Petitions have been filed seeking to condone the delay of 443 days in representing the CRP (NPD) SR.Nos.70576, 70596, 70592, 70580, 70588, 70584 and 70568 of 2018 respectively filed against the orders dated 16.12.2017 passed by the learned Special Sub Judge, Tiruvallur, in respective LAOP.Nos.78, 83, 82, 79, 81, 80 of 2015 and 11 of 2016.

2.Heard the learned Special Government Pleader (AS) appearing for the petitioner, who, reiterating the averments made in the affidavits filed in support of these petitions, submitted that since the case papers were mixed up with some other bundles in the Government Pleader office, the defects pointed out by the Registry could not be rectified within the time stipulated and after tracing out the papers and after compliance, the papers were represented with a delay of 443 days and hence, the delay occasioned is neither wilful nor wanton, but only due to the said reason. He further submitted that since the orders impugned herein are passed in the proceedings initiated under Section 20 of the Tamil Nadu

Highways Act, 2001, only a revision under Section 227 of the Constitution of India is maintainable and not a regular appeal under Section 54 of The Tamil Nadu Land Acquisition Act and hence, the case papers may be directed to be numbered as Civil Revision Petitions. In support of the same, he placed reliance on the decision rendered by a Division Bench in N.Ponnusamy and another v. The Special Tahsildar, Land Acquisition, Tamil Nadu Road Sector Project, Tiruvannamalai [Review Petition No.98/2016 dated 30.01.2019], wherein, it was held as under:

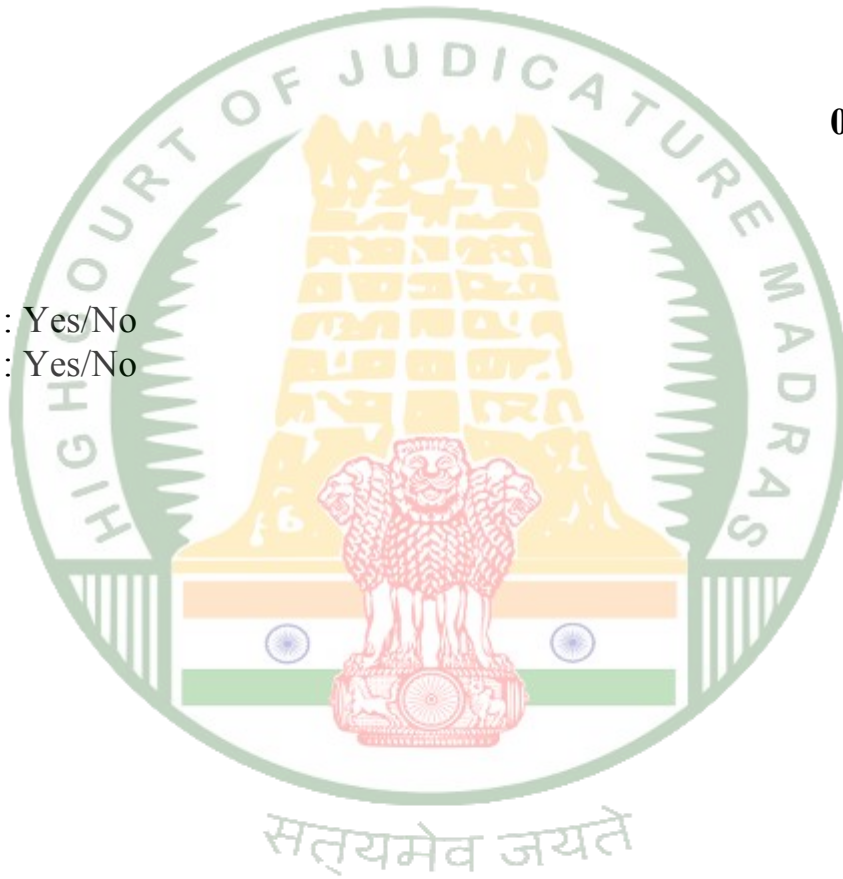
“17. Therefore, before parting with, we make it clear that as against the proceedings under Sec. 20 of the Tamil Nadu Highways Act, 2001, an Appeal under Section 54 of The Land Acquisition Act is not maintainable and if at all only a Civil Revision Petition under Article 227 of The Constitution of India is maintainable. Therefore, if any such appeal (s) is/are pending or any appeal is filed in future, the Registry shall convert it into a Civil Revision Petition under Article 227 of The Constitution of India and post it before the concerned Portfolio Judge dealing with Civil Revision Petitions under Article 227 of The Constitution of India.”

3. After hearing the learned counsel for the petitioner and upon perusal of the affidavits filed in support of these petitions and being satisfied with the same, the delay is condoned and these petitions are ordered accordingly.

4. Registry is directed to number the case papers as Civil Revision Petitions,
if the same are otherwise in order and list for admission in usual course.

07.07.2020

Index : Yes/No
Internet : Yes/No
av

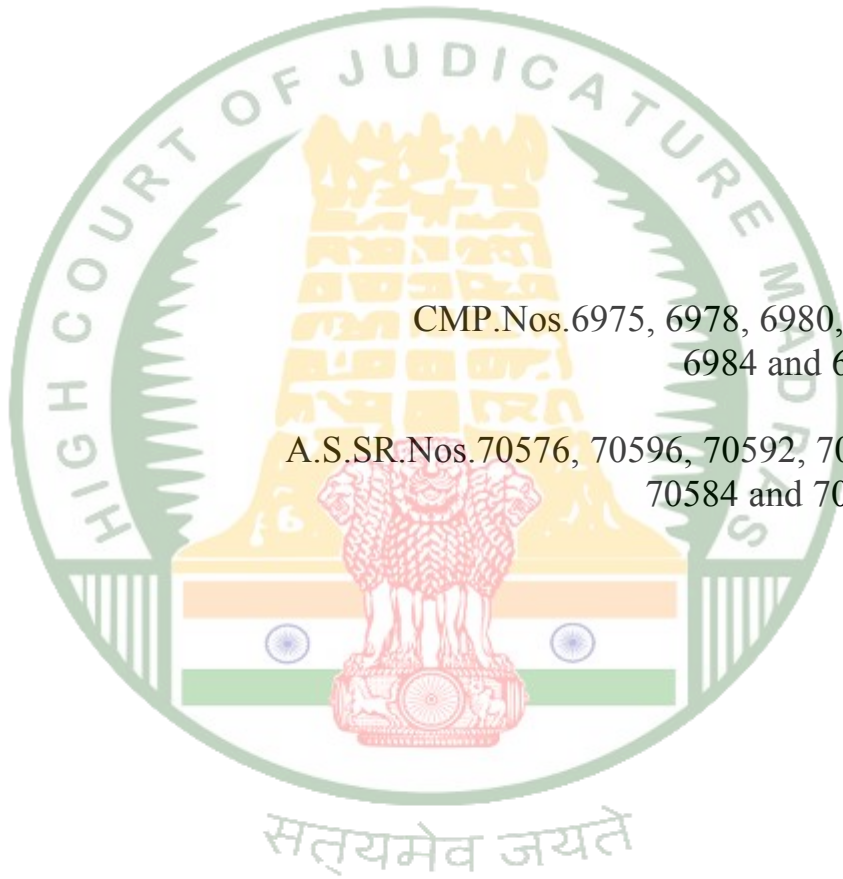


WEB COPY

CMP.Nos.6975, 6978, 6980, 6982, 6983, 6984 and 6986 of 2020
in A.S.SR.No.70576, 70596, 70592, 70580, 70588, 70584 and 70568 of 2018

R.MAHADEVAN, J.

av



CMP.Nos.6975, 6978, 6980, 6982, 6983,
6984 and 6986 of 2020
in
A.S.SR.Nos.70576, 70596, 70592, 70580, 70588,
70584 and 70568 of 2018

WEB COPY

07.07.2020