



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the Twenty Third day of March Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMP(MD) No.2676 of 2019

IN

SA(MD) No.SR39582 of 2012

N.ARJUNAN

... PETITIONER/ APPELLANT

Vs

THE SPECIAL TAHSILDAR
(ADI DRAVIDAR WELFARE DEPARTMENT),
LAND ACQUISITION OFFICER,
VANDIKARA STREET,
RAMANATHAPURAM TALUK,
RAMANATHPURAM DISTRICT.

... RESPONDENT/ RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Condone the delay of 892 days in filing the restoration petition SA.SR.No.39582 of 2012 on file and thus render justice.

PRAYER IN SA(MD) No.SR39582 of 2012:

To set aside the judgment and decree of the learned Sub Court, Ramanathapuram dated 30.10.2010 in L.A.C.M.A.No.12 of 1999 modifying Award No.10/97-98 dated 26.03.1998 of the learned the Land Acquisition Officer cum Special Tashildar(ADW), Ramanathapuram.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.T.PON RAMKUMAR, Advocate for the petitioner and of Mr.V.P.M.VAISHNAVI, Additional Government Pleader on behalf of the Respondent, the court made the following order:-

On the side of the petitioner, it is stated that there is a delay of 892 days in filing the restoration petition. The delay is caused only by the mistake of the Advocate and the rights of the petitioner should not be prejudiced for the mistake of the Advocate.

2.On the side of the respondent, it is stated that Second Appeal filed under Section 13 of Tamilnadu Land Acquisition for Harijan Welfare Scheme Act, 1978 r/w Section 100 CPC is not maintainable, as per the Hon'ble Supreme Court judgment in **Patel Vs Naranbai Bhikabhari Patel** pronounced on June 21 of 2018.



3. On the side of the petitioner, it is stated that the above said judgment is not applicable to the present case. This judgment is not applicable to condone delay petitions.

4. Heard both sides.

5. Considering the above facts and circumstances, this Court is of the view that the rights of the petitioner should not be prejudiced due to the fault of the Advocate. The main appeal is only for enhancement of the award amount in the Land Acquisition Proceedings. An opportunity for the petitioner is to be given to put forth his case.

6. In view the above observation, this petition is allowed. It is made clear that the petitioner is not entitled for interest for the default period.

sd/-

23/03/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE SUBORDINATE JUDGE,
RAMANATHAPURAM.

ORDER

IN

CMP(MD) No.2676 of 2019

IN

SA(MD) No.SR39582 of 2012

Date : 23/03/2020

MS/VR/SAR-3/15.07.2020/2P.2C