

W.M.P. No.34898 of 2019
in W.P. No.19696 of 2005

S.S.SUNDAR, J.,

This petition is filed to condone the delay of 3711 days in filing the application to restore the petition in W.P. No.19696 of 2005.

2. Since there was no representation on behalf of the petitioner, the Writ Petition was dismissed for non-prosecution on 15.07.2009. The petitioner has come forward with this petition to condone the inordinate delay of nearly 10 years. In the affidavit filed in support of this petition, it is stated by the petitioner that the learned counsel for the petitioner did not inform the petitioner about the disposal of the Writ Petition for non prosecution. Though the Writ Petition was dismissed for non-prosecution by order dated 15.07.2009, it is seen that the copy application was filed only on 16.07.2009 and the copy was obtained on 17.08.2009. There is no delay after getting the copy of the order on 17.08.2009. However, this Court finds that the petitioner could have been diligent in prosecuting the matter.

3. In the entire affidavit, it is not explained how and why the petitioner did not contact his counsel from the year 2009 to 2019. Though it is stated that the petitioner came to know about the disposal of the Writ Petition only in September 2019, this Court is unable to readily accept such explanation. However, the respondent has no means to verify or dispute the specific averments made in the affidavit filed in support of this petition. Hence, this Court is of the view that it is also possible that the petitioner came to know about the disposal only in the year 2019.

4. The Writ Petition is filed challenging the acquisition proceeding that was initiated under the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978. Since substantial relief is sought for , this Court is inclined to consider the case applying equitable principles. The petitioner is also guilty of negligence and hence, this petition can be ordered subject to terms.

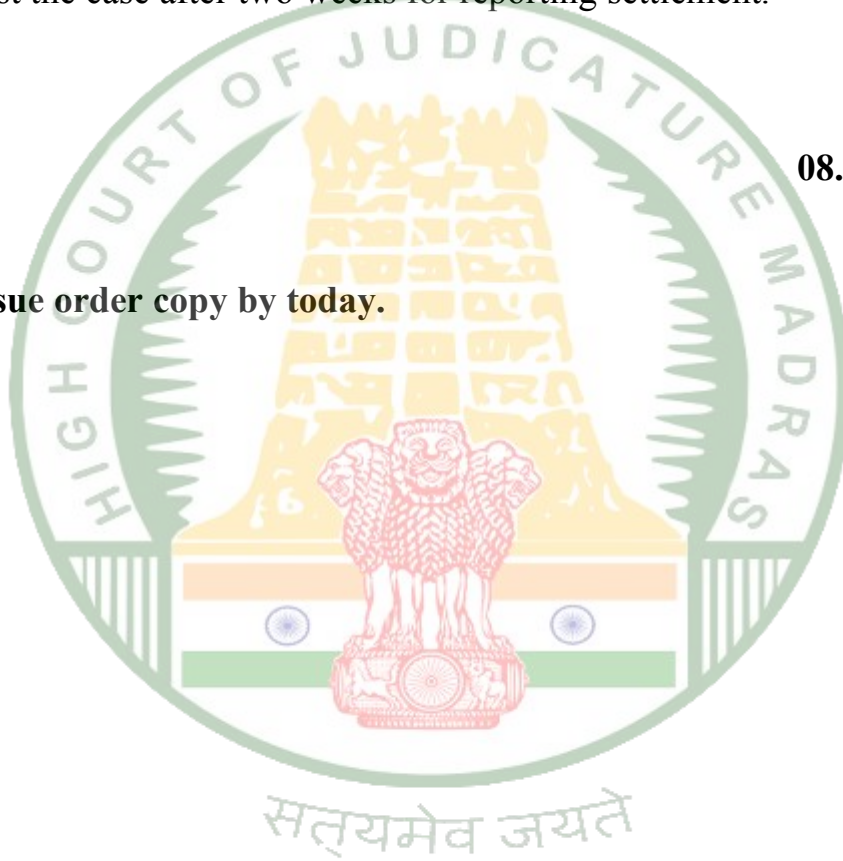
5. Accordingly, this petition is ordered on condition that the petitioner shall pay a sum of Rs.10,000/- to the Tamil Nadu State Legal Services Authority within a period of two weeks from today.

List the case after two weeks for reporting settlement.

bkn

08.01.2021

Note: Issue order copy by today.

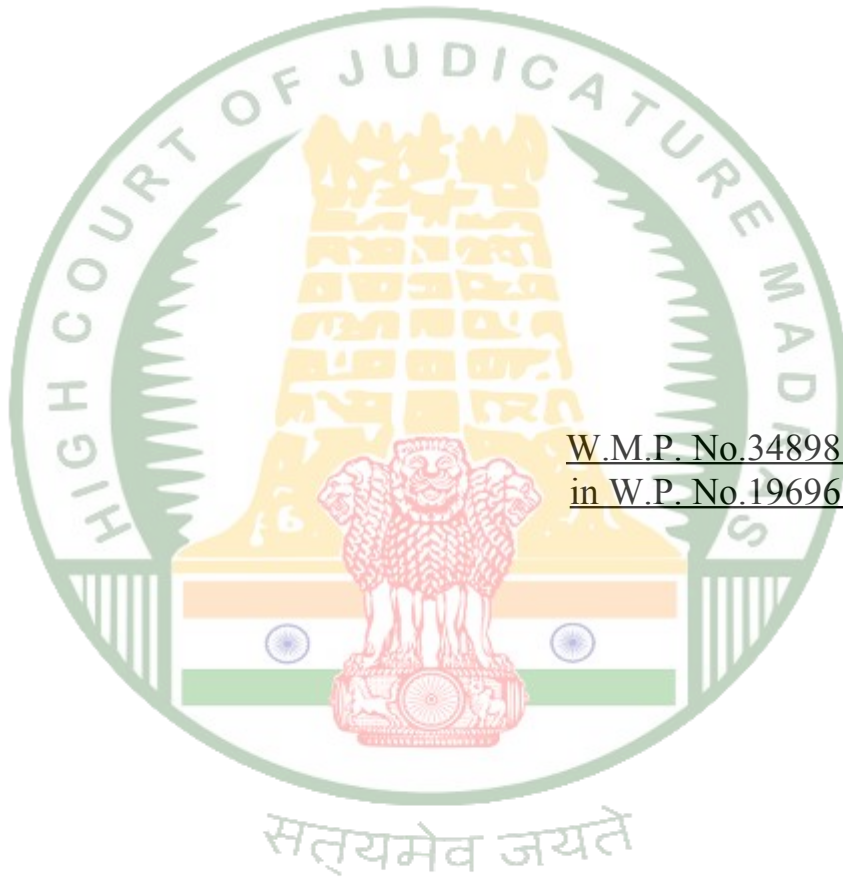


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