



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

Monday, the Fourth day of October Two Thousand and Twenty One

PRESENT

**The Hon`ble Mr.Justice M.DURAI SWAMY**  
**and**  
**The Hon`ble Mr.Justice K.MURALI SHANKAR**

CMP (MD) No.3755 of 2021  
IN  
WA (MD) SR.No.18754 of 2021

1 THE ADDITIONAL CHIEF SECRETARY TO  
THE GOVERNMENT OF TAMILNADU,  
HOME DEPARTMENT (TRANSPORT- II A),  
SECRETARIAT, CHENNAI-600 009.

2 THE TRANSPORT COMMISSIONER,  
CHEPAUK, CHENNAI-5.

... PETITIONERS/APPELLANTS

**Vs**

R. MALATHI

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 473 days in filing the Writ appeal Against the order dated 08-11-2019 made in W.P(MD).No.20038 of 2019.

**WA(MD) SR.No.18754 of 2021:**

To set aside the order dated: 08.11.2019 in W.P(MD) No.20038 of 2019.

**Prayer in WP(MD) No.20038/ 2019 :**

Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records of the impugned order passed by the Second respondent in No.Pro.R.No.63776/VA2/2009 dated 13.06.2017 and the consequential impugned order passed by the first respondent in G.O.(D).No.697, Home (Transport IIA) Department dated 01.07.2019, quash the same.

**ORDER :** This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.P.THILAK KUMAR, Government pleader on behalf of the petitioners and of Mr.RM.ARUN SWAMINATHAN, Advocate for the Respondent, the court made the following order:-



**(Order of the Court was made by M.DURAI SWAMY, J)**

There is a delay of 473 days in filing the Writ Appeal.

2. In the affidavit filed in support of the petition, the petitioners/appellants have stated that the impugned order was passed on 08.11.2019 and they received the copy of the order on 17.12.2019. Further, due to Covid-19 pandemic, they could not file the appeal in time, hence, there is a delay of 473 days.

3. The respondent filed her counter-affidavit disputing the averments stated in the affidavit filed in support of the petition. Further, Mr. RM. Arun Swaminathan, learned counsel appearing for the respondent submitted that though the appellants had received the copy of the order as early as on 17.12.2019, they chose to file the appeal with a delay of 473 days.

4. Though we are satisfied with the reasons stated in the affidavit filed in support of the petition and also the submissions made by Mr. P. Thilak Kumar, learned Government Pleader appearing for the petitioners/appellants, since the delay is on the higher side, we are of the considered view that the delay can be condoned on payment of costs.

5. Accordingly, the delay of 473 days in filing the Writ Appeal is condoned on condition that the petitioners/appellants paying a sum of Rs.2,500/- (Rupees Two Thousand and Five Hundred Only) as costs to the Advocates Welfare Fund Trust, Madurai Bench of Madras High Court, within a period of two weeks from the date of receipt of a copy of this order, failing which, the petition shall stand dismissed automatically without further reference to the Court.

6. Accordingly, the petition is ordered.

sd/-

04/10/2021

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/ /2021

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

**Note** : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



**TO**

1 THE ADDITIONALCHIEF SECRETARY TO  
THE GOVERNMENT OF TAMILNADU,  
HOME DEPARTMENT (TRANSPORT- II A),  
SECRETARIAT, CHENNAI-600 009.

2 THE TRANSPORT COMMISSIONER,  
CHEPAUK, CHENNAI-5.

**COPY TO:**

THE OFFICER INCHARGE,  
ADVOCATES WELFARE FUND TRUST,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.SPECIAL GOVERNMENT PLEADER, Advocate SR.No.6894

**ORDER**

**IN**

CMP (MD) No.3755 of 2021

IN

WA (MD) SR.No.18754 of 2021

Date :04/10/2021

SA/JM/SAR.1/05.10.2021/3P/5C