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*W.M.P.No.29815 of 2022
in W.P.No.29585 of 2016*

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R. SURESH KUMAR, J.

Since the main writ petition was dismissed for default by order dated 28.06.2022, in order to restore the same, the petitioner has filed a petition in W.P.M.P.SR.No.119051 of 2022. However, according to the petitioner, in filing the said miscellaneous petition to restore the writ petition, there has been a delay of 90 days and in order to condone the delay, the present miscellaneous petition has been filed.

2. Whether the condone delay petition is to be filed and whether the delay can be condoned in filing a restoration petition in a writ proceedings which has been dismissed for default has already engaged this Court, where I had an occasion to consider the said issue in the matter of "**Purushotham Nagar Alaya Paripalana Sabha -Vs- State of Tamil Nadu represented by Secretary, Tourism and Culture and Others**" reported in **2022(3) L.W.656**, where I held that, no such condone delay petition need to be filed in filing a restoration petition to restore the writ petition which was dismissed for default.



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3. Following the said decision, I am inclined to pass the following order in this miscellaneous petition that, since there is no necessity to file any condone delay petition to file a restoration petition to restore the writ petition which was dismissed for default, no order need to be passed in this miscellaneous petition. Therefore, it is directed to be closed. As a sequel, there shall be a direction to the Registry to number the W.P.M.P.SR.No.119051 of 2022 and post the said petition for hearing before the Court.

14.12.2022

KST

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