



W.A.No.2439 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2022

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

Writ Appeal No.2439 of 2022

S.Subramani

.. Appellant

Vs.

1. The Government of Tamil Nadu
Rep. by its Secretary to Government
Housing and Urban Development Department
Fort St. George, Secretariat
Chennai 600 009.

2. The Special Tahsildar (Land Acquisition)
Neighbourhood Scheme, Salem.

3. The District Collector
Salem.

4. Tamil Nadu Housing Board
Salem Housing Unit
Salem.

.. Respondents

Prayer: Appeal under Clause 15 of Letters Patent against the order dated 28.09.2022 made in WMP No.17805 of 2022 in Review Application Sr.No.72696 of 2022 on the file of this Court.

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For the Appellant : Mr.M.Elango

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for Respondents 1 to 3

Mrs.C.Shyamala
Standing Counsel
for Respondent-4

JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

This writ appeal has been directed against the order dated 28.09.2022 made in WMP No.17805 of 2022 in Review Application SR No.72696 of 2022, wherein the learned Single Judge has refused to condone the delay of 130 days in filing the review application on the ground that no sufficient cause has been stated in the affidavit for condoning the delay.

2. Learned counsel for the petitioner submitted that the petitioner met with an accident and therefore, he was bedridden and hence, he could not prosecute the review application within time. But, the learned Single Judge, without considering the said fact, dismissed



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the petition to condone the delay.

3. The petitioner, challenging the notification dated 16.11.1984 issued under Section 4(1) and the subsequent declaration dated 23.05.1986 issued under Section 6 of the Land Acquisition Act, filed a writ petition in W.P.No.9249 of 2014 to declare the acquisition proceedings as lapsed by virtue of Section 24(2) of the Act of 2013 and the same was dismissed on 10.12.2021. Assailing the said order, he filed an appeal in W.A.No.228 of 2022 and had withdrawn it on 11.02.2022 with liberty to approach the respondents for re-conveyance of the land as per the provisions of the Land Acquisition Act, 2013.

4. In the meanwhile, the petitioner was visited with eviction order dated 18.07.2022. Challenging the same, he initiated second round of litigation by filing W.P.No.19332 of 2022. The learned Single Judge, by order dated 27.07.2022, taking note of the facts that the writ petition challenging the acquisition proceedings was dismissed and the appeal against that order was dismissed as withdrawn and that the



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land acquired under said Act was handed over to the Housing Board, dismissed the writ petition. The review petition filed along with a petition to condone the delay of 130 days in filing the review petition was also dismissed on the ground that there was no sufficient cause.

5. In the light of the aforesaid, the order of the learned Single Judge dismissing the review petition as well as the petition to condone the delay for want of sufficient cause does not require any interference, as, our considered opinion, the petitioner cannot maintain a review petition. Therefore, this appeal is dismissed. There will be no order as to costs. CMP No.18892 of 2022 is also dismissed.

(T.R., ACJ.) (D.K.K., J.)
08.11.2022

Index : Yes/No

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T.RAJA, ACJ,
and
D.KRISHNAKUMAR,J

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