



*C.M.P(MD) No.1794 of 2019*

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 12.08.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

**C.M.P(MD) No.1794 of 2019**

**in**

**A.S (MD) SR No.21409 of 2008**

The Special Tahsildar and  
Land Acquisition Officer,  
Adi Dravidar Welfare,  
Aranthangi

... Petitioner

Vs.

1.K.Shanmugam

2.N.Kalimuthu

3.A.Durairaj

4.A.Thayammal @ Parnasalai

5.L.Veerappan

6.Malayathal

...Respondents



*C.M.P(MD) No.1794 of 2019*

**PRAYER in C.M.P(MD) No.1794 of 2019:** Petition filed under Section 5 of Limitation Act, to condone the delay of 465 days in filing the above appeal.

**PRAYER in A.S(MD)SR No.21409 of 2008:** Appeal Suit filed under Section 54 of the Land Acquisition Act, to set aside the judgment and decree dated 21.06.2005 made in L.A.O.P.No.7 of 1996 on the file of the Additional District Judge cum Fast Track Court, Pudukkottai.

For Petitioner : Mr.T.Villavan Kothai  
Additional Government Pleader

### **ORDER**

This Court, in its earlier order dated 26.07.2022, issued fresh notice to the respondents and directed the petitioner to pay batta, within a period of three days and also file affidavit of service on or before 11.08.2022. This Court has also observed that if the batta is not paid within the time stipulated by this Court, this petition shall stand dismissed automatically without further reference to this Court.



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2.As per the conditional order, the petitioner has either paid batta or filed affidavit of service within the stipulated time. It shows that the petitioner has no interest to proceed with the appeal. Under these circumstances, this Court has no other option except to dismiss the appeal for default. Accordingly, this Civil Miscellaneous Petition stands dismissed for default. Consequently, A.S(MD) SR No.21409 of 2008 is rejected at the SR stage itself.

**12.08.2022**

Index : Yes / No

Speaking Order : Yes / No

cp

To

The Additional District Judge  
cum Fast Track Court,  
Pudukkottai.



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**P.VELMURUGAN, J.**

cp

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in  
A.S (MD) SR No.21409 of 2008**

**12.08.2022**