



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

Tuesday, the Twenty Third day of August Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR
and

The Hon`ble Mrs.Justice S.SRIMATHY

CMP (MD) No.6909 of 2022
in
W.A (MD) No.SR.44690 of 2022

S.MARIA ARUL DHAS

... PETITIONER/APELLANT/
5th RESPONDENT

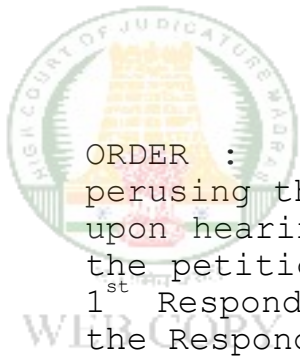
Vs

1. LAWRENCE ... 1st RESPONDENT/1st RESPONDENT/
WRIT PETITIONER
2. THE DISTRICT COLLECTOR,
NAGERCOIL, KANYAKUMARI DISTRICT.
3. THE REVENUE DIVISIONAL OFFICER,
PADMANABHAPURAM,
KANYAKUMARI DISTRICT.
4. THE TAHSILDAR,
VILAVANCODE,
KANYAKUMARI DISTRICT.
5. THE INSPECTOR OF POLICE,
KARUNGAI POLICE STATION,
KANYAKUMARI DISTRICT. ... RESPONDENTS/RESPONDENTS 2 TO 5
RESPONDENTS 1 TO 4

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to pass an order condoning the delay of 47 days in preferring writ appeal before this Honourable Court against the order made in WP (MD).No.16162 of 2020 by the Honourable Single Judge forthwith.

PRAYER IN W.A(MD)No.SR.44690 of 2022 :

Pleased to allow the above Writ Appeal and consequently set aside the order made in W.P.(MD) No.16162 of 2020 dated 20.04.2022 forthwith with cost.



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 M/S.S.PALANI VELAYUTHAM, Advocate for the petitioner and of M/S.J.ANANDHAVALLI, Advocate on behalf of the 1st Respondent and MR.S.P.MAHARAJAN, Special Government Pleader for the Respondents NO.2 to 5, the court made the following order:-

[Order of the Court made by S.S.SUNDAR, J.]

This petition is filed to condone the delay of 47 days in filing the above writ appeal.

2. Heard Mr.S.Palani Velayutham, learned counsel for the petitioner, Ms.J.Anandhavalli, learned counsel who has entered appearance for the first respondent/caveator and Mr.S.P.Maharajan, learned Special Government Pleader for respondents 2 to 5.

3. Though the respondents had taken time to file counter affidavit on earlier occasion, no counter affidavit has been filed so far.

4. On going through the affidavit filed in support of this petition, this Court is unable to dismiss the petition as the delay is not willful. Though the petitioner has given reasons for the delay, this Court is of the view that the delay could have been avoided by the petitioner by showing due diligence.

5. Having regard to the facts and circumstances of the case, this Court is inclined to allow this petition on terms. Accordingly, this petition is allowed on condition that the petitioner shall pay a sum of Rs.2,000/- (Rupees Two Thousand Only) to the credit of the High Court Legal Services Committee, Madurai Bench of Madras High Court, Madurai, within a period of two weeks from the date of receipt of a copy of this order, failing which, this petition shall automatically be dismissed without further reference to Court.

6. Registry is directed to number the writ appeal, if the papers are otherwise in order, after showing proof for payment.

sd/-
23/08/2022

/ TRUE COPY /

/08/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE DISTRICT COLLECTOR,
NAGERCOIL, KANYAKUMARI DISTRICT.
2. THE REVENUE DIVISIONAL OFFICER,
PADMANABHAPURAM,
KANYAKUMARI DISTRICT.
3. THE TAHSILDAR,
VILAVANCODE,
KANYAKUMARI DISTRICT.
4. THE INSPECTOR OF POLICE,
KARUNGAI POLICE STATION,
KANYAKUMARI DISTRICT.

COPY TO :

THE OFFICER INCHARGE,
HIGH COURT LEGAL SERVICES AUTHORITY,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. **(SOFT COPY)**

ORDER

IN

CMP(MD) No.6909 of 2022 in

W.A(MD)No.SR.44690 of 2022

Date :23/08/2022

pm

USK/PN/SAR-II/25.08.2022/3P/5C