



C.M.P(MD) No.2049 of 2017

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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.2049 of 2017
in
A.S (MD) SR No.18293 of 2007**

Revenue Divisional Officer,
(Land Acquisition),
Madurai.

... Petitioner

Vs.

Vellai
H/o.Muthupillai,
431, Shanthi Nagar,
2nd ward,
Rajakambeeram Village,
Y.Othakadai,
Madurai North Taluk.

...Respondent

PRAYER in C.M.P(MD) No.2049 of 2017: Petition filed under Section 5 of Limitation Act, to condone the delay of 1566 days in filing the above appeal.



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PRAYER in A.S(MD)SR No.18293 of 2007: Appeal Suit filed under Section 54 of the Land Acquisition Act, to set aside the judgment and decree in L.A.O.P.No.56/99 dated 23.11.2004 on the file of the Additional District Sessions Court/Fast Track Court No.1, Madurai.

For Petitioner : M/s.T.Villavan Kothai
Additional Government Pleader

J U D G M E N T

This Court, in its earlier order dated 26.07.2022, issued fresh notice to the respondent and directed the learned counsel for 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.

2.As per the conditional order, the learned Additional Government Pleader for the petitioner has either paid batta or filed affidavit of service within the stipulated time. It shows that he has no interest to proceed with



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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. No costs. Consequently, A.S(MD) SR No.18293 of 2007 is rejected at the SR stage itself.

12.08.2022

Index : Yes / No

Speaking Order : Yes / No

To
The Additional District Sessions Judge
Fast Track Court No.1,
Madurai.



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P.VELMURUGAN, J.

cp

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