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C.R.P.No.69 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.69 of 2023

R.Ramaiah

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Ambattur,
Anna Nagar Western Extension,
Chennai – 600 101.
(Previously The Special Tahsildar,
(LA-II), National Highways,
Madras – 90)

2.National Highways Authority of India,
Ministry of Surface and Transport,
D.P.34, South Phase,
Sri Towers, 3rd Floor,
Guindy, Industrial Estate,
New Olympic towers,
Chennai – 600 032.
(Previously Office functioned at
No.8, 29th Cross Street,
Indira Nagar, Adyar, Chennai – 20)

... Respondents



Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to issue necessary direction to the Additional District Judge-II, Poonamallee to trace and number the Restoration Petition filed by the petitioner bearing I.A.Sr.No.561 of 2004 in L.A.O.P.No.45 of 1990, pending on its file and dispose the same.

For Petitioner : Mr.N.K.Sivakumar
For R1 : Mr.V.Jeevagiridharan,
Additional Government Pleader

ORDER

The Civil Revision Petition is filed to direct the Additional District Judge-II, Poonamallee to trace out the case papers and number the Restoration Petition filed by the petitioner bearing I.A.Sr.No.561 of 2004 in L.A.O.P.No.45 of 1990.

2. The learned counsel for the revision petitioner states that L.A.O.P.No.45 of 1990 was closed by the Court on 13.02.2004 as “steps not taken”.

3. The revision petitioner filed a Restoration Petition on 03.03.2004 in I.A.Sr.No.561 of 2004 and the said petition was not traceable and numbered till



date for want of back records in L.A.O.P.No.45 of 1990. Thus, the revision petitioner has chosen to file the present Civil Revision Petition.

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4. In view of the fact that the revision petitioner raised an allegation that the Court bundles are not traceable, this Court had directed the II Additional District and Sessions Court at Poonamallee to submit a report. The II Additional District and Sessions Court, Poonamallee submitted a report in Dis.No.70/2023 dated 20.01.2023, wherein it is stated that “the case in L.A.O.P.No.45 of 1990 was disposed of on 13.02.2004 as 'claimant called absent and there is no representation. Hence reference closed'. Thiru G.Vivekanandhan, the learned counsel for the claimant had filed a petition for restoration. Based on the petition, an attempt was made to number the same. But, while perusing the concerned Register, C.R.19, the said petition was returned for certain compliances and the same had been taken back by the Claimant's counsel Thiru.M.G.Vivekanandhan on 23.07.2004. The said petitioner, as per the Register, has not been represented so far.”

5. However, the Court concerned made an attempt to trace out the case papers in L.A.O.P.No.45 of 1990 and the said papers could not be traced out, as it is not available in the record.



6. The learned counsel for the petitioner / claimant filed a memo on 09.12.2019 and brought this case to the knowledge of the II Additional District and Sessions Court, Poonamallee and thereafter, action was taken by the Court staff to trace out the case papers during Christmas holidays. However, the papers were unable to be traced out.

7. Considering the facts and circumstances, this Court is of the opinion that the Restoration Petition, which was returned by the Court in the year 2004, was taken back by the claimant's counsel Thiru.M.G.Vivekanandhan on 23.07.2004 and the said returned case papers were not represented by the said counsel as per within the time limit as stipulated by the Court concerned.

8. After a lapse of about 15 years, the learned counsel for the claimant filed a memo for the purpose of tracing out the papers in the year 2019. Court made an attempt to trace out the bundle, but failed. Now after a lapse of about 18 years, the Restoration Petition cannot be considered on account of the delay of 15 years, which is enormous and cannot be condoned. Moreover, the case was disposed of on 13.02.2004 and the petitioner had not taken adequate steps to restore the case during the relevant point of time and slept over the matter. Now,



after 18 years, this Court is not inclined to consider the present Civil Revision
Petition for numbering the Interlocutory Application to restore the
L.A.O.P.No.45 of 1990.

9. With these observations, the Civil Revision Petition in C.R.P.No.69 of
2023 stands dismissed. No costs.

30.01.2023

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Index : Yes
Speaking order
Neutral Citation : Yes

To

The Judge,
II Additional District and Sessions Court,
Poonamallee.



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S.M.SUBRAMANIAM, J.

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