



C.M.P.No.19545 of 2022 in W.A.SR.No.79562 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

C.M.P.No.19545 of 2022 in W.A.SR.No.79562 of 2022

K.Narayanasamy Gounder

K.Elumalai Gounder (Deceased)

(Cause title accepted vide order of Court
dt. 01.11.2022 in CMP No.17923 of 2022
in WA.SR.No.79562 of 2022)

.. Petitioner

-VS-

1. The State of Tamil Nadu
rep by its Secretary
Adhidraavidar Department
Fort St.George
Chennai 600 009

2. The District Collector
Villupuram District
Villupuram

3. The Land Acquisition Officer
The Special Tahsildhar (ADW)
Gingee Taluk
Villupuram District

.. Respondents



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Civil Miscellaneous Petition filed under Section 5 of the Limitation Act seeking to condone the delay of 117 days in filing the above Writ Appeal.

Appeal filed under Clause 15 of the Letters Patent, against the order dated 13.07.2021 made in W.P.No.3510 of 2017.

For Petitioner :: Mr.M.Padmanaban

For Respondents :: Mr.P.Muthukumar
State Government Pleader
for R1 to R3

ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

C.M.P.No.19545 of 2022 has been filed by the petitioner seeking to condone the delay of 117 days in filing the Writ Appeal SR.No.79562 of 2022, against the order dated 13.07.2021 in Writ Petition No.3510 of 2017.

2. When the petitioner filed the Writ Petition No.3510 of 2017 challenging the order dated 03.07.2016 passed by the second respondent and to quash the same with a consequential direction to the respondents to re-convey the land situated at Marutheri Village, Gingee Taluk, Villupuram District comprised in Ayyan Punja Survey Nos.16/2A – 0.75.0 hectare,



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16/2A – 0.42.0 hectare, 16/4A – 0.10.0 hectare and 16/4 – 0.01.0 hectare, totalling to an extent of 1.28.0 hectare, the learned single Judge, finding that the land acquisition proceedings under the Tamil Nadu Act 31 of 1978 came to an end between 1985 and 1997 and ultimately the award was also passed making the compensation to the petitioner on 17.02.2004 and also taking note of the fact that the purpose of the Scheme to give free house sites to the landless poor belonging to Adidravida community had been fulfilled or completed by the respondents by giving the plots to 91 beneficiaries in the year 1998, has dismissed the writ petition, against which the petitioner has resorted to file the writ appeal with the aforementioned delay.

3. In the affidavit filed in support of this petition, the petitioner has stated that after the impugned order was passed on 13.07.2021, he applied for a certified copy on 20.07.2021 and the same was received by the petitioner's counsel on record on 14.09.2021 and thereafter the petitioner was informed in the first week of October, 2021. Since the State was facing lock down due to Covid-19 pandemic, he was unable to approach his



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counsel to take further steps to file the appeal. In view thereof, there has been a delay of 117 days, which is neither wilful nor wanton but only due to bona fide reasons, therefore, the delay is sought to be condoned.

4. Although the country was facing the Covid-19 pandemic situation, after March 2022, normalcy was restored. However, the appeal has been filed only on 14.11.2022. Therefore, finding no sufficient cause, we are unable to entertain the application seeking to condone the aforementioned delay. Even on merits also, as mentioned above, no purpose would be served by condoning the delay and taking up the appeal for adjudication. In that view of the matter, finding no sufficient cause to condone the delay and equally no merits in the appeal, the civil miscellaneous petition stands dismissed. Consequently, W.A.SR.No.79562 of 2022 stands rejected.

Speaking/Non speaking order

(T.R.,A.C.J.) (D.B.C.,J.)

Index : yes/no

14.03.2023

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To

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