



CMP.No.18480 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CMP.No.18480 of 2022 in
SA.SR.No.96284 of 2022

The Special Tahsildar,
AdiDravidar Welfare Department,
Chidambaram

... Petitioner

Vs.

Rathinasabapathy

... Respondent

PRAYER: Civil Miscellaneous petition is filed under Section 5 of Limitation Act to condone the delay of 1692 days in filing the above second appeal.

For Petitioner : Mr.C.Sathish,
Government Advocate

For Respondent : Mr.V.Balamurugane

ORDER

This civil miscellaneous petition has been filed to condone the delay of 1692 days in filing the above second appeal.

2. The petitioner is the appellant and the respondent is the claimant. The land belonged to the respondent was acquired and award was passed by the



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petitioner herein determining the compensation amount of Rs.93,595/-.

Aggrieved by the same, the respondent filed appeal before the appellate court.

The appellate court considered the documents produced by the claimant and enhanced the compensation at the rate of Rs.2,500/- per cent and also awarded 15% solatium with interest at the rate of 6% per annum from the date of possession till the date of payment. Aggrieved by the same, the petitioner has preferred the second appeal with delay of 1692 days.

3. On perusal of the affidavit filed in support of the condone delay petition, revealed that after passing the order by the appellate court, on 07.10.2017 five officers got transferred and due to covid-19 pandemic conditions, the petitioner was unable to file the above appeal within time. The delay in filing this appeal is neither wilful nor wanton but for the aforesaid reason. The petitioner is the Special Tahsildar. Due to covid-19, no Government offices were closed. Though five officers got transferred who dealt with this matter, it is not sufficient to condone the huge delay of 1692 days. The poor claimant cannot be directed to face endless litigation after having been lost his lands during the acquisition. When the claimant filed execution petition in EP.No.1 of 2017 on the strength of the order passed by



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the appellate court, thereby enhanced the compensation, the petitioner had woke up and filed this appeal. While exercising the discretion for condoning the delay, this Court has to exercise discretion judiciously based on the facts and circumstances of each case. The expression 'sufficient cause' cannot be liberally interpreted if negligence, inaction or lack of bonafide is attributed to the party. In case a party has acted with negligence, lack of bonafide or there is inaction, then there cannot be any justified ground for condoning the delay even by imposing conditions. In the case on hand, there is absolutely no sufficient cause stated in the affidavit in order to condone the huge delay of 1692 days. Therefore, this Court is not inclined to condone the huge delay of 1692 days.

4. Accordingly, this civil miscellaneous petition is dismissed. Consequently, the second appeal in SA.SR.No.96284 of 2022 is rejected at the SR stage itself. There shall be no order as to costs.

16.02.2023

Index : Yes/No

Internet : Yes/No

Speaking order/non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.The Special Tahsildar,
AdiDravidar Welfare Department,
Chidambaram
- 2.The Public Prosecutor,
High Court of Madras

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