



C.M.P.No.4807 of 2017
in
C.R.P.SR.No.18612 of 2017

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **06.02.2023**

CORAM:

THE HON'BLE MR.JUSTICE S.M. SUBRAMANIAM

C.M.P.No.4807 of 2017
in
C.R.P.SR.No.18612 of 2017

Balasubramaniam (Died)

B.Sasikumar

... Petitioner/Petitioner

Versus

1.The Land Acquisition Officer/Special Tahsildar,
(Land Acquisition), Neighbourhood Scheme,
Housing Board Complex, Surampatti Nal Road,
Erode.

2.The Executive Engineer and Administrative Officer,
Erode Housing Unit,
Tamil Nadu Housing Board,
Housing Board Complex, Surampatti Nal Road,
Erode.

3.Saroja

4.T.Kavitha

... Respondents/Respondents



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PRAYER: Civil Miscellaneous Petition has been filed under Section 5 of Limitation Act, praying to condone the delay of 411 days in filing the above CRP against the Fair and Decretal order dated 15.10.2015 passed in I.A.No.134 of 2015 in LAOP.No.17 of 2003 on the file of the II Additional District Judge, Erode.

For Petitioner	: Mr.N.Manokaran
For R1	: Mr.V.Jeevagiridharan Additional Government Pleader
For R2	: No appearance
For R3 & R4	: Mr.M.Karthik for M/s.I.C.Vasudevan

ORDER

The Civil Miscellaneous Petition is filed to condone the delay of 411 days in filing the Civil Revision Petition against the fair and decretal order dated 15.10.2015 passed in I.A.No.134 of 2015 in LAOP No.17 of 2003 on the file of the learned II Additional District Judge, Erode.

2.Unconardonable delay cannot be condoned by the Courts in a routine manner. Law of limitation is substantive and condonation of delay is an exception. Exception cannot be made as a rule. Thus, the enormous delay is to be condoned only, if the reasons are sufficient and acceptable. Any mechanical or routine approach in condonation of delay by the Courts will



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in
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defeat the law of limitation. Thus, the power of discretion to condone the delay by the Courts are to be exercised judiciously and by recording reasons, if the delay is enormous. Undoubtedly, Courts may condone meagre delay in the absence of strong reasons. However, the long delay cannot be condoned in such manner, since it would cause prejudice to the other party. If the litigations are reopened after several months or years, then, the other party would be prejudiced. Persons, who has slept over their right cannot wake up one fine morning and knock the doors of the Courts for redressal, which is impermissible and persons, who are vigilant alone are entitled for relief at the hands of the Courts.

3.In the present case, the learned counsel for the petitioner states that certain compromise discussions were proceeded within the family members in respect of the land acquisition proceedings and therefore, there is a delay in filing the Civil Revision Petition against the order passed in I.A.No.134 of 2015 in LAOP No.17 of 2003 dated 15.10.2015. Mere submission in this regard, would be insufficient to form an opinion that such discussions within the family warrants condonation of delay. Any reasons unsubstantiated



C.M.P.No.4807 of 2017
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C.R.P.SR.No.18612 of 2017

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cannot be considered for the purpose of condoning the long delay of 411 days and thus, this Court is not inclined to consider the present petition.

4. Accordingly the Civil Miscellaneous Petition stands dismissed. Consequently, the Civil Revision Petition is rejected at the S.R. stage itself. No costs.

06.02.2023

Index: Yes
Speaking Order
Neutral Citation Case: Yes
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in
C.R.P.SR.No.18612 of 2017

To

- 1.The II Additional District Judge, Erode.
- 2.The Land Acquisition Officer/Special Tahsildar,
(Land Acquisition), Neighbourhood Scheme,
Housing Board Complex, Surampatti Nal Road,
Erode.
- 3.The Executive Engineer and Administrative Officer,
Erode Housing Unit,
Tamil Nadu Housing Board,
Housing Board Complex, Surampatti Nal Road,
Erode.
- 4.The Sub Assistant Registrar,
A.E. Section,
Madras High Court.



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C.M.P.No.4807 of 2017
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S.M. SUBRAMANIAM, J.,

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