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Crl.M.P.No.16443 of 2023

Crl.M.P.No.16443 of 2023
in
Crl.R.C.SR.No.21695 of 2023

M.NIRMAL KUMAR, J.

This petition has been filed to condone the delay of 1042 days in filing the above revision as against the order of Revenue Divisional Officer, Egmore, Chennai vide proceedings in Procs.A2/2928/2017 dated 06.04.2018.

2. The revision has been preferred challenging the dismissal of the petition filed under Section 133 of Cr.P.C. by the petitioner.

3. Earlier, the petitioner filed W.P.No.18771 of 2017 before this Court seeking a direction to the official respondents therein to remove the encroachment made by the second respondent herein in the public road. This Court, by an order dated 16.02.2023, disposed of the writ petition with liberty to the petitioner to challenge the impugned order dated 06.04.2018. Since it needed some clarification, the Hon'ble Division Bench of this Court by an order dated 24.04.2023 in W.P.No.18771 of 2017 clarified that liberty is granted to the petitioner to challenge the order dated 06.04.2018 passed by the Revenue Divisional Officer, Egmore Division, within a period of three



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weeks from the date of receipt of copy of the order dated 24.04.2023. The petitioner thereafter filed the above revision on 28.04.2023, i.e., within the time as directed by this Court (within 4 days). But the Registry raised an objection that the impugned order is dated 06.04.2018, hence, the revision ought to have been filed within 90 days. For this reason, the petitioner filed the above condone delay petition on 15.09.2023.

4. The contention of the petitioner cannot be ignored by looking at the revision petition, which was filed on 28.04.2023, thereafter only, the condone delay petition was filed, since Registry insisted for filing such petition. The petitioner filed this revision within the time as directed by this Court in W.P.No.18771 of 2017, the question of filing condone delay petition does not arise. Hence, Crl.M.P.No.16443 of 2023 is closed.

5. Registry is directed to number the revision, if it is otherwise in order.

17.10.2023

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