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C.M.P.No.22501 of 2022 in W.A.SR.No.136547 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

C.M.P.No.22501 of 2022 in W.A.SR.No.136547 of 2022

1. The Tamil Nadu Housing Board
rep. by its Chairman and Managing Director
Earlier at Nandanam, Anna Salai, Chennai-35
and Now at CMDA Complex, E and C
Market Road, Koyambedu
Chennai-600 107
2. The Executive Engineer and
Administrative Officer
Salem Housing Unit
Tamil Nadu Housing Board, Salem .. Petitioners/Appellants

Vs.

1. M.Velusamy
2. The Government of Tamil Nadu
rep. by its Secretary to Government
Housing and Urban Development Department
Fort St. George, Chennai-600 009



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3. The Special Thasildar (LA)
Housing Scheme Unit, Salem

.. Respondents/Respondents

C.M.P.No.22501 of 2022 is filed under Section 5 of the Limitation Act to condone the delay of 2969 days in filing the writ appeal against the order dated 19.9.2014 passed in W.P.No.15248 of 2014.

Writ Appeal SR No.136547 of 2022 is filed under Clause 15 of the Letters Patent against the order dated 19.09.2014 passed in W.P.No.15248 of 2014.

For Petitioners/Appellants :: Mrs.C.Shyaamala

For Respondents/Respondents :: Mr.P.M.Sozhendran for R1

JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

Civil Miscellaneous Petition No.22501 of 2022 has been filed to condone the huge and unexplained delay of 2969 days in filing the appeal against the order dated 19.09.2014 made in W.P.No.15248 of 2014.

2. Mrs.C.Shyaamala, learned counsel appearing for the petitioners vehemently argued that even though W.P.No.15248 of 2014 was allowed on 19.09.2014, owing to some administrative reasons like getting necessary papers from the earlier counsel, unfortunately, the delay has occurred and,



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therefore, she pleaded that the delay may be condoned.

3. In the affidavit filed in support of the petition seeking condonation of delay, the reason for the delay is stated as under:

“18. It is most respectfully submitted that, due to some administrative reasons in getting necessary papers from the earlier counsels as they were not handed over, necessary papers were to be traced out, the earlier filing papers were missed, some other delay is caused in the matter in filing this appeal in time from the date of receipt of this order copy in this writ petition in W.P.No.15248 of 2014 dated 19.09.2014, the appeal has to be filed within 30 days, but unfortunately on the reason as stated above a delay of 2969 days was caused in filing this appeal. The non-filing of appeal within the time is neither willful nor wanton and further the delay in filing this appeal was caused on the reason as stated above.

19. In this circumstance, the delay of 2969 days in filing this Writ appeal has to be necessarily condoned in the interest of justice. Otherwise the



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petitioner/Appellant being a public institution will
be put in to great loss and prejudice.”

4. We find that no acceptable and cogent reason has been given by the petitioners in the affidavit filed in support of the civil miscellaneous petition to condone the huge and unexplained delay of 2969 days [more than 8 years]. Moreover, condonation of such an inordinate delay by this Court without any sufficient cause would amount to substituting the period of limitation stipulated by the Legislature. Accordingly, the civil miscellaneous petition is dismissed. Consequently, W.A.SR.No.136547 of 2022 is rejected.

Speaking/Non speaking order
Index : yes/no

(T.R.,A.C.J.) (D.B.C.,J.)
13.02.2023

ss

To

1. The Secretary to Government of Tamil Nadu
Housing and Urban Development Department
Fort St. George
Chennai 600 009

2. The Chairman and Managing Director
Tamil Nadu Housing Board



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THE HON'BLE ACTING CHIEF JUSTICE
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SS

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