



W.A.No.3174 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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1.The State of Tamilnadu,
rep. by its Secretary to Government Adi Dravidar
and Tribal Welfare Department,
Fort St. George,
Chennai-9.

2.The Special Tahsildhar,
Land Acquisition (Adi Dravidar Welfare),
Omalur Taluk,
Salem District.

3.The District Collector,
Salem District.

.. Appellants

Vs.

G.Venkatesan

.. Respondent



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Prayer : Appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge dated 16.10.2023 passed in W.P.No.30452 of 2005.

For the Appellants : Mr.R.Raman Laal
Addl. Advocate General
assisted by
Mr.K.Karthik Jagannath
Government Advocate

For the Respondent : Ms.Padmaja Mohan

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.R.Raman Laal, learned Additional Advocate General, assisted by Mr.K.Karthik Jagannath, learned Government Advocate for the appellants; and, Ms.Padmaja Mohan, learned counsel for the respondent.

2. The present appeal is filed to the limited extent i.e. challenging the order imposing the costs.



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3. The learned Single Judge directed to pay the costs of Rs.10,000/- each from the salary of the present appellants on the ground that the matter has been unnecessarily prolonged.

4. It is contended that the writ petition, though was filed in the year 2005, the same was dismissed for default on 11.12.2018 and it was restored on 25.01.2023 and for the first time, after the restoration, the matter was listed on 16.10.2023.

5. It is the submission of learned Additional Advocate General that the officers concerned had joined the present posts recently and they were not aware of the proceedings that had taken place earlier since 2005. Now the counter-affidavit is also ready and would be filed on any date as directed by this Court. The writ petition is kept before the learned Single Judge on 05.12.2023. The counter-affidavit shall be filed by the appellants on 05.12.2023.

6. Learned Additional Advocate General further submitted that now the Government has appointed three officers in the cadres of (i)



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Under Secretary; (ii) Tahsildar; and (iii) Office Assistant to monitor the cases and to provide feedback of the daily matters.

7. Considering the fact that the appellants had recently joined the posts and the order is directing them to pay the costs from their salary and that they were not responsible for the delay nor it was a deliberate act on the part of the appellants, the order imposing costs upon the present appellants is set aside.

8. The appeal is allowed accordingly. There will be no order as to costs. Consequently, C.M.P.No.26027 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

24.11.2023

Index : Yes/No
Neutral Citation : Yes/No
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