



WEB COPY



W.P.No.1406 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.1406 of 2023
and WMP.No.1481 of 2023

1. M.Manonmani
2. M.Balasubramaniam
3. Seethalakshmi
4. D.Manikarajan
5. B.Vijayalakshmi
6. J.Bhoobalan
7. Dhanasri
8. J.Sreethilagavathy
9. N.Jagadeeswari

... Petitioners

-Vs-

1. The Special Commissioner &
Commissioner of Land Administration
Chepauk.

2. The Settlement Officer,
Thanjavur.

3. Adhinakartha

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records of the proceedings of the 1st respondent in R.Dis.K1/R.P.15, 16, 20 & 21/ 91 dated 29.08.2005 and quash the same.



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For Petitioners : Mr.Prakash Goklaney
For Respondents : Mr.P.Sathish
Additional Government Pleader
[R1 & R2]

ORDER

The prayer sought for herein is for a writ of certiorari to quash the impugned proceedings of the 1st respondent in R.Dis.K1/R.P.15, 16, 20 & 21/ 91 dated 29.08.2005. Challenging the said order, this writ petition has been filed after 17 years.

2. I have gone through the affidavit, nowhere it has been stated for such a very inordinate delay of 17 years in approaching this Court challenging the order impugned.

4. Even though there is no specific limitation under the provisions of the Constitution to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, the theory of laches certainly would be applied to the writ petition to be filed invoking the Article 226 of the Constitution.



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5. If there is a delay of some years, certainly it has to be explained by the petitioner, who approaches the Court by invoking the Article 226 of the Constitution as to why the delay caused in approaching this Court.

6. Herein the case in hand, even though the writ petition has been filed after 17 years challenging the order impugned, no reasons has been adduced as to why this much of delay occurred for the petitioner who approached this Court.

7. Therefore, this Court has no hesitation to hold that this writ petition is hit by the theory of laches and therefore, it cannot be entertained at this juncture after 17 years of passing the impugned order that too without any reasons for such a delay and laches. Hence, this writ petition is dismissed for laches. No costs. Connected miscellaneous petition is closed.

23.01.2023

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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R. SURESH KUMAR, J.

mp

To

1. The Special Commissioner &
Commissioner of Land Administration
Chepauk.
2. The Settlement Officer,
Thanjavur.

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