



W.A.(MD) No.678 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD) No.678 of 2023
and
C.M.P.(MD) No.6023 of 2023**

M.Ganesan

... Appellant

-VS-

1. V. Nagarajan
2. Parkath Ali
3. Arab John
4. Sridar
5. Sivanandan
6. Subramaniyan
7. Lakshmi
8. The Special Deputy Collector,(Revenue),
O/o.The Special Revenue Deputy Collector Court,



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Trichy Town.

9. The District Revenue Officer,
Karur District.
10. The Revenue Divisional Officer,
Kulithalai Revenue Divisional Officer, Karur District.
11. The Tahsildar (Tenancy),
Krishnarayarpuram Taluk Office,
Kulithalai, Karur District.

... Respondents/
Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 12.07.2022, passed in W.P.(MD) No.3568 of 2020, on the file of this Court.

For Appellant : Mr.N.S.Ponniah

For Respondents : Mr.V.Nirmal Kumar
Government Advocate for R8 to R11
Mr.S.Balaji for R5

J U D G M E N T

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

The attempt of the petitioner to challenge the eviction order passed by the original authority under Section 3 of the Tamil Nadu Cultivating Tenants Protection Act, 1955 (for brevity “the Act”), after a lapse of 17 years has been repelled by the Writ Court on the ground of laches.



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2. The learned counsel appearing for the appellant would submit that such extraordinary delay should be condoned by this Court.

3. Section 6B of the Act makes the original authority – a Court subordinate to this Court within a meaning of 'Section 115 of the Code of Civil Procedure, 1908 (Central Act V of 1908)', enabling an aggrieved person to challenge the order of eviction by way of a revision. Limitation Act, 1963, provides 90 days limitation for a revision. The present writ petition has been filed 17 years after the passing of the original order of eviction. Hence, we are unable to fault the Writ Court for having dismissing the same on the ground of laches. The writ appeal fails and it is accordingly dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

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