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W.A.NOS.2360 TO 2370 OF 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM:

**THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL**

W.A.NOS.2360 TO 2370 OF 2023

AND

**CMP NOS.19947, 19948, 19950, 19951, 19954, 19957
19959, 19961 19963, 19965 AND 19975 OF 2023**

IN

W.A.NOS.2360 TO 2370 OF 2023

AND

**CMP NOS.7135, 7153, 7156, 7166, 7171, 7172, 7180
7181, 7219, 7218, 7130, 7264 AND 7265 OF 2024**

IN

W.A.SR.NOS.27129 TO 27138 AND 27140 TO 27142 OF 2024

W.A.NO.2360 OF 2023

1.The District Revenue Officer
Salem District,
Salem.

2.The Revenue Divisional Officer
Athur Division
Athur, Salem District.



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3.The Tahsildar
Gangavalli Taluk
(Presently Thalaivasal Taluk)
Gangavalli, Salem District.

... Appellants /
Respondents

Vs.

G.Kosalai

... Respondent /
Petitioner

PRAYER: Writ Appeal filed under Clause 15 of the Letter Patent against the order dated 01.02.2022 passed in W.P.No.28804 of 2019.

For Appellants : Mr.A.Selvendran
Special Government Pleader

For Respondent : Mr.A.V.Arun

COMMON JUDGMENT

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

A very long delay of 2114 days is sought to be condoned and in all condone delay petitions, the reason assigned is one and the same and it is reflected in para 19 and 20 of the affidavits, which read as follows:



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“19) I respectfully submit that the East Rajapalayam Village was previously under the 'Gangavalli Taluk' and the said Taluk was bifurcated on 22.02.2021 and after the bifurcation, the said East Rajapalayam Village has come within the jurisdiction of 'Thalaivasal Taluk'. Due to administrative reasons of separation of files from Gangavalli Taluk due to formation of new taluk and COVID-19 Pandemic period and related works, Tamil Nadu Assembly election works and Kalaighnar Mahalir Urimal Thittam further respectfully submit that the copy of the Order dated 16.04.2018 passed in the said W.P.No.18165 of 2013 was sent to Gangavalli Taluk and hence the office of the Thalaivasal Taluk could not follow-up the same and due course of action.

20) I respectfully submit that after the Order copy was obtained and having seen that the issue is sensitive as it involves valuable Govt. Lands, the same was taken up to the higher officials regarding filing of Appeal. Thereafter, hectic efforts were taken to gather the necessary information and the relevant papers regarding the case and after that Legal opinion was sought from the Learned Government Pleader on 09.10.2023 as to whether it is fit case for filing appeal and the Learned Govt Pleader opined that, it is a fit case for filing appeal on merits of the case. Immediately, steps have been taken to file the Writ Appeal and the Appeal papers were made ready for filing.”



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2.The order under appeal was delivered on 16.04.2018. The

reason stated is that since the order was sent to the Tahsildar, Gangavalli, the Office of the Thalaivasal Taluk, could not take follow up action.

3.We find that the sixth appellant is the Tahsildar, Gangavalli and not Tahsildar, Thalaivasal. So this reasoning is obviously false or it is due to total non-application of mind on the part of the deponent.

4.Though the learned Special Government Pleader would submit that there was a bifurcation, the same was not brought to the notice of this Court and therefore, this Court cannot take notice of the same.

5.It is seen from the copy of the order that the very application for issuance of certified copy was made only on 03.01.2024. But it is stated that after the copy was obtained, the same was taken up with higher officials and opinion of the Government Pleader have obtained on



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09.10.2023. Therefore, it is clear that some other copy was obtained prior

to the obtaining of the certified copy which has been produced along with

the appeal. We therefore find that the entire reasons assigned in the

affidavits are false to the knowledge of the deponent. Whatever liberal

view we take, these reasons cannot be held to be sufficient to condone the

delay of 2114 days. It is obvious that the period during which there was a

lock down due to COVID-19 has been excluded in calculating the number

of days of delay. Hence, we are satisfied that this is an attempt to file a

belated appeal only to get over the consequences of the subsequent order

passed by this Court, which is the subject matter of the writ appeals in

W.A.Nos.2360, 2368 and 2369 of 2023. Hence, the condone delay

petitions are dismissed.

6.It is also seen that the private respondents in the writ

petitions which are subject matter of these writ appeal SR numbers, filed

appeals against the order sought to be impugned in these writ appeals and



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the same were dismissed on the ground that the appeals at the instance of the appellant therein cannot be entertained.

7.The learned Additional Government Pleader had appeared in those appeals as early as on 15.11.2021. Therefore, the Government is aware of the pronouncement of order of this Court at least on 15.11.2021. Further, W.A.Nos.2360, 2368 and 2369 of 2023 which are against the consequential orders, were filed as early as on 29.11.2022 along with a delay of 243 days. At least, on that date, the Government should have made arrangements to file the present writ appeals. It is after orders were passed condoning the delay in the appeals filed against the subsequent orders, these appeals against the earlier orders were sought to be filed. Hence, we see no *bonafides* in these applications. It is only a ruse to get over the consequence of the subsequent order.

8.In view of the fact that the applications seeking condonation of delay have been dismissed, the orders impugned in these writ appeals



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are only orders directing implementation of the earlier orders of this Court

made in W.P.Nos.18165 to 18177 of 2013 dated 16.04.2018 nothing

survives in all the writ appeals.

9.In the result,

(i)The writ appeals in W.A.Nos.2360 to 2370 of 2023 are dismissed.

(ii)CMP Nos.7135, 7153, 7156, 7166, 7171, 7172, 7180, 7181, 7219, 7218, 7130, 7264 and 7265 of 2024 are dismissed. Consequently, writ appeals in W.A.SR.Nos.27129 to 27138 and 27140 to 27142 of 2024 are rejected at SR stage itself.

(iii)There shall be no order as to costs.



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(iv)Consequently, connected CMP Nos.19947,
19948, 19950, 19951, 19954, 19957, 19959, 19961
19963, 19965 and 19975 of 2023 in W.A.Nos.2360 to
2370 of 2023 are closed.

[R.S.M., J.] [R.S.V., J.]

18.07.2024

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Internet : Yes
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Speaking Order
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