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C.M.P.No.5321 of 2024 in
C.M.P.No.9328 of 2005 in
A.S.SR.No.44552 of 1999

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 27.03.2024	Pronounced on: 30.04.2024
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CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

C.M.P.No.5321 of 2024
in
C.M.P.No.9328 of 2005
in
A.S.SR.No.44552 of 1999

Saraswathi Ammal

.. Petitioner

Vs.

1.The Special Tahsildar,
(Land Acquisition),
Naval Air Station, Project Unit IV,
Arakonam.

2.Defence Estate Officer,
Madras Circle, Fort St. George,
Chennai.

.. Respondents

Prayer: This Miscellaneous Petition is filed under Section 5 of Limitation Act, praying to condone the delay of 4886 days in filing the petition to set aside the order of dismissal dated 07.07.2010 in C.M.P.No.9328 of 2005 in A.S.SR.No.44552 of 1999.



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A.S.SR.No.44552 of 1999

For Petitioner : Mr.K.Ravichandranath
For Respondents : Mr.V.Ramesh
Government Advocate

ORDER

This petition has been filed to condone the delay of 4886 days in filing the petition to set aside the order of dismissal dated 07.07.2010 in C.M.P.No.9328 of 2005 in A.S.SR.No.44552 of 1999.

2.The erst while land owner whose land was acquired by the 1st respondent and the 2nd respondent is the beneficiary of the land acquisition proceedings. She filed L.A.O.P.No.688 of 1991 and an award has been passed on 29.01.1999. Thereafter, she preferred the above appeal in A.S.SR.No.44552 of 1999 and deficit Court fee of Rs.2,197/- has been found by the Registry and the same was returned. However, this Court appears to have dismissed the petition for condoning the delay in paying the deficit Court fee on the ground that orders passed by the respondent was confirmed by the Reference Court and hence, she filed an application for payment of deficit Court fee and papers have been returned.



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3.The fact remains that the original counsel engaged by the land owner was appointed as a Senior Counsel for the Central Government Standing Counsel. Further, the returned papers have got mixed up in the office of the clerk. During the bifurcation of the Madras High Court, certain case bundles have been wrongly sent to the Madurai Bench of Madras High Court and again re-sent to the Principal Bench. The original counsel was also appointed as Central Government Standing Counsel and the case has been entrusted to the junior counsel who could not be in a position to follow up the matter due to the above stated reasons.

4.Subsequently, the other connected appeal was disposed of by this Court on 06.07.2010 and due to the reason that the counsel has been appointed as Senior Counsel for the Central Government, the case could not be followed up. Thereafter, the appeal papers were not taken for proper compliance and the same was dismissed for non-prosecution on 28.06.2023.

5.It is brought to my notice that in respect of very same Notification, other land owners have files A.S.No.881 & 894 of 2006, 35, 79, 93, 352, 354,



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355, 365 & 487 of 2007 and in those appeals filed by the claimants, the Division Bench of this Court has enhanced the compensation amount to Rs.750/- per cent and the same was confirmed by the Hon'ble Supreme Court. Thereafter in the above said cases, the judgment of the Division Bench of this Court in respect of the very same Notification, wherein the compensation amount is fixed at Rs.750/- per cent as confirmed by the Hon'ble Supreme Court has been extended to those land owners in those appeals. So also in A.S.No.240 of 2007 by judgment dated 06.07.2010, the very same yard stick has been applied since all are covered under the very same Notification and the lands are in the very same survey number. Under these circumstances, the petitioner has come out with this petition for the relief sought for above.

6.However, due to earlier counsel, who was subsequently appointed as the Senior Counsel for the Central Government and there was some mess in the default list certain cases have been wrongly sent to Madurai Bench of Madras High Court and re-sent to the Principal Bench and thereafter the matter was suddenly listed for compliance on 28.06.2011 was went unnoticed by the junior counsel and the earlier counsel appointed by the land owner



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resulted in dismissal for default at the Appeal AE default list.

7.Considering the fact that in respect of the very same Notification, the Division Bench of this Court has granted some relief to the land owner as confirmed by the Hon'ble Supreme Court which was subsequently extended to other land owners in the above stated appeal A.S.Nos., and this petitioner land also fall in the very same survey number in the very same Notification, hence, I am inclined to condone the delay in view of the fact that some discrepancy said to have been happened in the office of the Registry during the bifurcation of the Madras High Court and re-transmitting of the such cases to the Principal Bench and hence, without going on those area, I am inclined to condone the delay of 4886 days.

8.Accordingly, the delay of 4886 days is condoned and the Civil Miscellaneous Petition is allowed on payment of cost of Rs.2,000/- (Rupees Two Thousand Only) to the '**High Court Legal Services Committee, High Court, Chennai**' within a period of three weeks from the date of receipt of a copy of this order.



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9.Registry is directed to number the A.S. on filing of copy of payment
as stated supra.

30.04.2024

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Index : Yes / No
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RMT.TEEKAA RAMAN, J.

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