



S.A.No.265 of 2

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2024

CORAM:

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

S.A.No.265 of 2019

and

C.M.P.Nos.12243, 11960 of 2021 & 3921 of 2019

1.The Special Tahsildar,
Adi Dravidar Welfare,
Dharmapuri.

2.The District Collector,
Dharmapuri.

3.The District Adi Dravidar Welfare Officer,
Dharmapuri.

...Appellants

Vs.

P.Govindhammal

...Respondent

Prayer: Second Appeal filed under Section 13 of the Tamil Nadu Acquisition of Land for Adi Dravidar Welfare Schemes Act, 31/78 r/w. Section 100 of C.P.C., against the judgment and decree dated 27.02.2017 made in CMA.(LA).No.5 of 2004 on the file of the Sub-Court, Dharmapuri, modifying the Award No.11/ADW/1997-98, Na.Ka.No.1733/97(A) dated 15.12.1997 on the file of the Special Tahsildar (ADW) and Land Acquisition Officer, Dharmapuri.

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For Appellants : Mrs.R.Anitha
Special Government Pleader
For Respondent : Mr.V.R.Anna Gandhi

J U D G M E N T

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

It is seen that the 1st respondent died on 28.03.2021. Therefore, the appeal has abated on 26.06.2021. The petition in C.M.P.No.12243 of 2021 has been filed on 02.08.2021 to bring on record the respondents 1 and 2 as the legal representatives of the deceased 1st respondent in the appeal. No petition has been filed seeking to set aside the abatement.

2.Though the affidavit contained prayers for condonation of delay in filing the petition to set aside the abatement and to set aside the abatement, those prayers itself scored off and such scoring off neither attested by the parties nor by the counsel. Hence, such irregular filing, particularly, on the part of the Government Pleader's Office is reprehensible. We do not think, we can tolerate such negligent acts any further. Hence, C.M.P.No.12243 of 2021 is dismissed. The impleading petition filed in C.M.P.No.11960 of



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2021 is also dismissed, leaving it open to the petitioner to work out his remedies in separate proceedings.

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3.In view of the dismissal of the above Civil Miscellaneous Petitions, appeal in S.A.No.265 of 2019 is also dismissed as abated. No costs. Consequently, connected miscellaneous petitions are closed.

(R.S.M., J.) (R.S.V., J.)
02.04.2024

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Internet:Yes

Index:No

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Nuetral Citation :No

To:-

The Sub-court,
Dharmapuri.



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R.SUBRAMANIAN, J.
and
R.SAKTHIVEL, J.

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