



C.M.P.(MD) No.8199 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

AND

THE HONOURABLE MRS.JUSTICE A.D.MARIA CLETE

C.M.P.(MD)No.5212 of 2024

and

W.A.(MD)SR.No.13374 of 2024

1.The Principal Secretary to Government,
Revenue Department,
Secretariat, Chennai – 600 009.

2.The Principal Secretary and
Commissioner of Revenue Administration,
Ezhilagam, Chepauk,
Chennai – 600 005.

3.The District Collector,
Madurai District,
Madurai.

... Petitioners

-Vs-

K.Muthiah

... Respondent



C.M.P.(MD) No.8199 of 2023

PRAYER in C.M.P.(MD)No.5212 of 2024: Petition filed under Section 5 of the Limitation Act, praying to condone the delay of 1597 days in preferring appeal against the order passed by this Court in W.P.(MD)No. 12544 of 2017 dated 06.07.2017.

PRAYER in W.A.(MD)SR.No.13374 of 2024: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 06.07.2017 in W.P.(MD)No.12544 of 2017 and allow the Writ Appeal.

For Petitioner : Mr.S.Shaji Bino
Special Government Pleader
For Respondent : No appearance

ORDER

[Order of the Court was made by *M.S.RAMESH, J.*]

As against the order of the Writ Court, wherein a direction to the District Collector to revise the pension proposals of the writ petitioners was made, the respondents have filed an appeal with the present petition seeking for condonation of delay of 1975 days in preferring the appeal.

2.In the affidavit of the present Civil Miscellaneous Petition, the only explanation rendered by the petitioners for such an inordinate delay in preferring the appeal is that, after the order was passed by the Writ Court

Page 2 of 5



C.M.P.(MD) No.8199 of 2023

on 06.07.2017, they had obtained the legal opinion on 27.10.2017 and thereafter, the proposal was submitted to the Government on 28.10.2017. After 28.10.2017, there is absolutely no explanation as to why there is an inordinate delay in preferring the appeal. On the other hand, the affidavit goes into the merit of the appeal, predominantly placing reliance on a decision of the Full bench of this Court in the case reported in **(2019) 7 CTC 705** and claiming that the writ petitioners would not be entitled for the benefits of the order passed in the writ petition. We are unable to accept the reasons assigned for the delay that has been caused from 06.07.2017 to 2019, which is inordinate.

3.Accordingly, this Civil Miscellaneous Petition stands dismissed. Consequently, connected W.A.(MD)SR.No.13374 of 2024, is rejected at the SR stage itself. There shall be no order as to costs.

[M.S.R., J.] & [A.D.M.C., J.]
11.12.2024

NCC : Yes / No
Index : Yes / No
Internet: Yes / No

Page 3 of 5



C.M.P.(MD) No.8199 of 2023

MR

WEB COPY

To

- 1.The Principal Secretary to Government,
Revenue Department,
Secretariat, Chennai – 600 009.
- 2.The Principal Secretary and
Commissioner of Revenue Administration,
Ezhilagam, Chempauk,
Chennai – 600 005.
- 3.The District Collector,
Madurai District,
Madurai.



WEB COPY



C.M.P.(MD) No.8199 of 2023

M.S.RAMESH, J.
AND
A.D.MARIA CLETE, J.

MR

C.M.P.(MD)No.5212 of 2024
and
W.A.(MD)SR.No.13374 of 2024

11.12.2024