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C.M.P.(MD) No.11625 of 2023
in W.A.(MD) SR. No.62800 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.M.P.(MD) No.11625 of 2023
in W.A.(MD) SR. No.62800 of 2023
and W.A.(MD) SR. No.62800 of 2023

- 1.The Government of Tamil Nadu,
Rep. by Principal Secretary to Government,
Forest and Environment Department,
Fort St.George,
Chennai – 600 009.
- 2.The Principal Chief Conservator of Forests,
Panagal Building,
Saidepet,
Chennai.
- 3.The Divisional Forest Officer,
Race Course Road,
Madurai – 625 002.
- 4.The District Forest Officer,
Race Course Road,
Madurai – 625 002.

... Petitioners in C.M.P./
Appellants in W.A.



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C.M.P.(MD) No.11625 of 2023
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-VS-

1.K.Baluchamy

2.The Principal Accountant General of Tamilnadu,
Office of Accountant General,
Teynampet,
Chennai – 600 018.

... Respondents in C.M.P. & W.A.

PRAYER in C.M.P.(MD) No.11625 of 2023: Civil Miscellaneous Petition filed under Section 5 of Limitation Act, to condone the delay of 875 days in filing the Writ Appeal.

PRAYER in W.A.(MD) SR. No.62800 of 2023: Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 15.03.2019 passed in W.P.(MD) No.18195 of 2017 on the file of this Court.

For Petitioners in CMA and: Mr.N.Satheesh Kumar
Appellants in W.A. Additional Government Pleader

For Respondents in CMA : No appearance
and W.A.

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The Civil Miscellaneous Petition is filed for condoning the delay of 845 days in filing W.A.(MD) SR. No.62800 of 2023.



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2. Heard Mr.N.Satheesh Kumar, learned Additional Government Pleader for the petitioners.

3. In paragraph 13 of the affidavit filed in support of the petition, the petitioners have stated the reasons for the delay. The pandemic and consequent lockdown as well as administrative delay are sought to be made as reasons for condonation of exorbitant and inordinate delay of 875 days. We are not satisfied with the reasons stated in the affidavit filed in support of the petition. Even though it may be administrative delay, unless sufficient cause for condoning the delay is shown, the same cannot be condoned. Further, the learned Single Judge has relied on the decision of the Division Bench of this Court in the ***Government of Tamil Nadu & Others v. K.Sakthivel & another (W.A.No.51 of 2018 and etc., batch cases)*** and allowed the Writ Petition. Hence, this Court is not inclined to condone the delay.



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C.M.P.(MD) No.11625 of 2023
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4. Accordingly, the Civil Miscellaneous Petition stands dismissed.

Consequently, connected W.A.(MD) SR. No.62800 of 2023 is rejected.

[D.K.K., J.] [R.V., J.]
18.01.2024

Index : Yes / No
Internet : Yes / No
SJ

To

- 1.The Secretary to Government,
Forest and Environment Department,
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Chennai – 600 009.
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D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

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C.M.P.(MD) No.11625 of 2023
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