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C.M.P.(MD) No.14122 of 2023
in W.A.(MD) SR. No.73643 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.14122 of 2023
in W.A.(MD) SR. No.73643 of 2023
and W.A.(MD) SR. No.73643 of 2023

- 1.The Government of Tamil Nadu,
Rep. By its Secretary to Government,
Forest and Environment Department,
Fort St.George,
Chennai – 9.
- 2.The Principal Chief Conservator of Forests,
Panagal Building,
Saidepet,
Chennai – 25.
- 3.The District Forest Officer,
District Forest Office,
Tirunelveli.

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

-VS-

1.R.Subramaniya Pandian



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2.The Principal Accountant General of Tamilnadu,
Teynampet,
Chennai – 18.

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

PRAYER in C.M.P.(MD) No.14122 of 2023: Civil Miscellaneous Petition filed under Section 5 of Limitation Act, to condone the delay of 1010 days in filing the Writ Appeal.

PRAYER in W.A.(MD) SR. No.73643 of 2023: Writ Appeal filed under Clause 15 of the Letters Patent Act against the order dated 26.09.2018 passed in W.P.(MD) No.20438 of 2018 on the file of this Court.

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

For Respondents in CMA : Mr.V.Panneerselvam for R1
and W.A.

No appearance for R2

ORDER

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

The Civil Miscellaneous Petition is filed for condoning the delay of 1010 days in filing W.A.(MD) SR. No.73643 of 2023.



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2. Heard Mr.N.Satheesh Kumar, learned Additional Government Pleader for the petitioners and Mr.V.Panneerselvam, learned counsel for the first respondent.

3. In paragraph 4 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 1010 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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4. Accordingly, the Civil Miscellaneous Petition stands dismissed.

Consequently, connected W.A.(MD) SR. No.73643 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,
Government of Tamil Nadu,
Fort St.George,
Chennai – 9.
- 2.The Principal Chief Conservator of Forests,
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D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

SJ

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