



CMP(MD) No.14915 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Fifth day of April Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice R.SURESH KUMAR
and
The Hon`ble Mr.Justice G.ARUL MURUGAN

C.M.P.[MD]No.14915 of 2023
in
W.A.[MD]SR.No.79809 of 2023

1 THE PRINCIPAL SECRETARY TO GOVERNMENT,
HOME (POLICE-III) DEPARTMENT,
SECRETARIAT,
CHENNAI-09

2 THE DIRECTOR GENERAL OF POLICE,
CHENNAI.

3 THE DEPUTY INSPECTOR GENERAL OF POLICE,
TIRUNELVELI REGION,
TIRUNELVELI.

4 THE SUPERINTENDENT OF POLICE
KANNIYAKUMARI DISTRICT,
NAGERCOIL.

... PETITIONERS/ APPELLANTS

Vs

1 P.THANGARAJ
SUB INSPECTOR OF POLICE,
(ARMED RESERVE)
TRAFFIC WING, NAGERCOIL,
KANNIYAKUMARI DISTRICT.

<https://www.mhc.tn.gov.in/judis>



CMP(MD) No.14915 of 2023

2 BALASUBRAMANIAN
INSPECTOR OF POLICE(RTD)
DOOR NO.5/183, NAGA SUDHARSAN NAGAR,
B.COLONY, THIRUCHENDUR ROAD,
KRISHNAPURAM POST,
TIRUNELVELI DISTRICT.

... RESPONDENTS/RESPONDENTS

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to condone the delay of 551 days in filing the above Writ Appeal as against the order dated 17.03.2022 passed in WP(MD) No.16331 of 2016 by this Honourable Court and thus render justice.

PRAYER IN WA(MD)SR.No.79809/2023:

Pleased to set aside the Order dated 17.03.2022 in WP(MD)No.16331 of 2016 and allow this Writ Appeal.

Prayer in WP(MD). 16331/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records of the 4th respondent in Na.Ka. NO. A4/21453/2016 dated 20.07.2016 and quash the same and consequently directing the 1st respondent to include the petitioners name in the C list to the top of the 5th respondent's name published in G.O.Ms.No. 923 dated 06.12.2012.

ORDER : This Civil Miscellaneous Petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.A.KANNAN, Additional Government Pleader on behalf of the Petitioners and of Mr.H.VELAVADHAS, Advocate for the 1st Respondent and Mr.A.RAJARAM, Advocate for the 2nd Respondent, the court made the following order:-

(Order of the Court was made by R.SURESH KUMAR, J.)

This petition is filed to condone the delay of 551 days in filing the W.A.[MD]

SR.No.79809 of 2023.

2.Heard both sides.



CMP(MD) No.14915 of 2023

WEB COPY

3.Though reasons have been given at paragraph No.10 of the affidavit filed in support of this petition for such huge delay of 551 days, after the Government sanctioned approval for filing writ appeal on 15.12.2022, further delay occurred in filing the writ appeal only in October, 2023 has not been explained. In this regard, eventhough the the learned Additional Government Pleader appearing for the petitioners would submit that, it is due to regular administrative delay in finalising the appeal, the said reason is not appealing to this Court, since for finalising the appeal, no department can take such a huge time of more than 500 days. However, since the merits of the main issue raised in the writ appeal has to be decided, we feel that this petition, if at all to be allowed, is to be allowed on terms.

4.Accordingly, this Civil Miscellaneous Petition is allowed on condition that the fourth petitioner shall pay a sum of Rs.10,000/- [Rupees Ten Thousand only] as cost to the respondents 1 & 2 ie., Rs.5,000/- [Rupees Five Thousand only] each and the said cost shall be paid to the respondents through their respective learned Counsel.

sd/-
05/04/2024

/ TRUE COPY /

/04/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CMP(MD) No.14915 of 2023

MR

TO

WEB COPY

1 THE PRINCIPAL SECRETARY TO GOVERNMENT,
HOME (POLICE-III) DEPARTMENT,
SECRETARIAT, CHENNAI-09

2 THE DIRECTOR GENERAL OF POLICE,
CHENNAI.

3 THE DEPUTY INSPECTOR GENERAL OF POLICE,
TIRUNELVELI REGION, TIRUNELVELI.

4 THE SUPERINTENDENT OF POLICE
KANNIYAKUMARI DISTRICT,
NAGERCOIL.

ORDER IN
CMP(MD) No.14915 of 2023
Date :05/04/2024

SA/VR/SAR. /15.04.2024/4P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.