



WEB COPY

CMP.No.3683 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

CORAM
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

CMP.No.3683 of 2025
in
WA.SR.No.19348 of 2025

1. The District Collector,
Coimbatore.
2. The Land Acquisition Officer and
Special Tahsildar (Land acquisition),
Adi Dravidar and Tribal Welfare, Coimbatore.
3. The Revenue Divisional Officer,
Coimbatore.
4. The Tahsildar,
Coimbatore North Taluk, Kalapatti,
Coimbatore District. ... Petitioners/Appellants

Vs.

1. K.Vijayalakshmi
2. R.Ponnusamy
3. A.Mani
4. K.Kathirvel ... Respondents/Respondents



CMP.No.3683 of 2

Prayer: Petition filed under Section 5 of Limitation Act, to condone the delay of 3769 days in filing the writ appeal against the order dated 28.08.2014 made in W.P.No.19888 of 2000.

For Petitioners : Mr.A.Selvendran
Special Government Pleader

For Respondents : Mr.Kandhan Duraisami for R1 to R4

ORDER

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

The miscellaneous petition has been filed to condone the delay of 3769 days in filing the writ appeal.

2. Undoubtedly, the delay is enormous and normally Courts would not condone such a long delay. However, the Hon'ble Supreme Court of India in the case of *Inder Singh Vs. The State of Madhya Pradesh dated 21.03.2025* held that "delay cannot be condoned without sufficient cause, but a major aspect which must be kept in mind is that, if in a particular case, the merits have to be examined, it should not be scuttled merely on the basis of limitation." The said case is also pertaining to land acquisition proceedings.



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3. The facts in the present case are that the Government issued Section 4(1) notification under the Land Acquisition Act on 17.07.2000 for the benefit of Harijan Welfare Department to allot houses to the Harijans. Award was passed on 28.09.2000 and compensation was deposited on 07.08.2001. LAOP No.102 of 2001 was filed and yet to be disposed of.

4. The respondents in the present petition filed W.P.No.19696, 19888 of 2000 challenging Section 4(1) notification and the award passed on 28.09.2000. The writ petition of the year 2000 was taken up for final hearing and final order was passed on 28.08.2014, quashing Section 4(1) notification and award and the writ petitions were allowed. The Government has not preferred an appeal immediately. The first respondent after a lapse of about 10 years filed W.P.No.24293 of 2024 challenging the order passed by the Special Tahsildar/Land Acquisition Adi Dravidar & Tribal Welfare Department dated 07.05.2024 declining to grant 'No Objection Certificate'.

5. Pertinently in the said writ petition, the Government was not a party. Even under the old Land Acquisition Act reconveyance of property is to be made only by the Government in exceptional circumstances. The writ



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petition of the year 2024 was allowed and the Land Acquisition Officer was directed to issue 'No Objection Certificate' based on the order passed by this Court in W.P.No.19888 of 2000 dated 28.08.2014. After the said order has been passed, the Government has chosen to file a writ appeal against the writ order dated 28.08.2014 with a delay of 3769 days.

6. Since the award was passed on 28.09.2000 and compensation was deposited on 07.08.2001 and thereafter LAOP No.102 of 2001 was filed, the land absolutely vest with the Government. It is only by way of reconveyance under Section 48-A of the old Land Acquisition Act, the Government can reconvey the land if a decision has been taken. However, the writ petition seeking to quash Section 4(1) notification and the award would not arise at all.

7. However, this Court find that these aspects are to be considered when the writ appeal is taken up for hearing. As far as the delay is concerned, the principles laid down by the Hon'ble Supreme Court of India in the case ***Inder Singh*** cited supra is to be followed in the facts of the present case. In the event of not condoning the delay in the present case, it would result in miscarriage of justice and therefore, this Court is inclined to adjudicate the issues on merits so as to meet the ends of justice.



8. Accordingly, the delay stands condoned and this Miscellaneous Petition is ordered, accordingly.

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9. Registry is directed to number the writ appeal, if it is otherwise in order and list the matter for admission on **28.04.2025**.

[S.M.S,J.] [K.R.S,J.]
24.04.2025

veda

To

1. The District Collector,
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2. The Land Acquisition Officer and
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