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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2025

CORAM

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

CMP No. 6282 of 2025
in
WA.SR.No.39615 of 2025

The State Of Tamil Nadu,
Rep. By Its Secretary To Government,
The Revenue Department Fort St.
George Chennai 600 009 AND 2
OTHERS

Appellant(s)

Vs

A.R.K.A.Karutha Pandiyan Nadar

Respondent(s)

For Appellant(s): Mr.A.Selvendran
Special Government Pleader

For Respondent(s): No appearance

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ORDER

(Order of the Court was made by S.M.Subramaniam J.)

Notice served to the respondent, but none appeared.

2. This miscellaneous petition has been filed to condone the delay of 450 days in filing the writ appeal.

3. Mr.A.Selvendran, the learned Special Government Pleader would submit that the delay is on account of administrative procedures.

4. The ground raised in the writ appeal is that Section 64 of the New Land Acquisition Act has no application in respect of the lands acquired for State Highways Road Projects under the provisions of the Tamil Nadu Highways Act, 2001. The land was acquired under the Tamil Nadu Highways Act. Therefore, new Land Acquisition Act of the year 2013 has no application. However, the learned single Judge issued a direction based on Section 64 of the New Land Acquisition Act. Therefore, this legal issue is to be considered.

5. As far as the condonation of delay is concerned, the Hon'ble Supreme Court recently, in the case of ***Inder Singh Vs. The State of Madhya Pradesh*** on ***21.03.2025*** reported in ***2025 INSC 382*** held that *".....there can be no quarrel on the settled principle of law that delay cannot be condoned*

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without sufficient cause, but a major aspect which has to 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.".....

6. The Apex Court added that ".....*when the land in question was taken possession of by the State and allotted for public purpose to the Youth Welfare Department and the Collectorate and has continued in the possession of the State, the claim of the State that it is government land cannot be summarily discarded".....*

7. The Hon'ble Supreme Court made observation that ".....*the dispute over title of a land is not between the private parties but rather between the private party and the State".....*

8. In such circumstances, the delay on the part of the State in filing an appeal is enormous, the Officials responsible and accountable must be fixed and suitable actions are to be initiated for their lapse, negligence and dereliction of duty. There cannot be any public loss on account of negligence if any, caused by the competent Authorities of the Government Departments. That apart, the public interest should not get affected on account of such negligence, dereliction of duty , lapses of the Authorities. In the present case, the appellants shall examine the facts and if any negligence, dereliction of duty or lapses are

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identified, suitable disciplinary actions are to be initiated against the Authorities, who all are responsible for such enormous delay.

9. In view of the legal position reiterated by the Apex Court, this Court is inclined to condone the delay, since the legal application of the provisions are to be examined.

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

(S.M.SUBRAMANIAM J.) (K.RAJASEKAR J.)
02-04-2025

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***Note**: Registry is directed to number the writ appeal, if it is otherwise in order.*

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To

1.The State of Tamil Nadu,
Represented by its Secretary to
Government,
Fort St.George,
Chennai - 600 009.

2.The District Collector,
Chennai District Collectorate,
Ma Singaravelar Maligai,
Rajaji Salai,
Chennai - 600 001.

3.The Special District Revenue Officer,
(Land Acquisition),
Highways Department,
Metropolitan Wing,
Alandur,
Chennai - 600 016.

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