



WEB COPY

CMP NO. 1501



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-01-2025

CORAM

THE HONOURABLE MR JUSTICE S. S. SUNDAR

AND

THE HONOURABLE MR.JUSTICE P. DHANABAL

CMP NO. 1501 of 2025

in

WA.SR.No.79287 of 2019

V.P.Jayakumar

S/o Late D.Palanisamy, 12/34, B-1, Samanna Nagar, Vellalur Road,
Pothanur Post, Coimbatore District 641 023.

Appellant(s)

Vs

The Principal Secretary And Commissioner
of Land Administration, Chepauk, Chennai 600 005. and 14 Others

Respondent(s)

Prayer in C.M.P.No.1501 of 2025 : Civil Miscellaneous Petition filed under Section 5 of the Limitation Act to condone the delay of 1033 days in filing the Writ Appeal against the order dated 08.10.2018 in W.P.No.6193 of 2014.

Prayer in W.A.SR.No.79287 of 2019 : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 08.10.2018 in W.P.No.6193 of 2014 on the file of this Court.



For Appellant(s):

Mr.P.M.Subramaniam, Senior Counsel for Mr. Manoj Sreevalsan

For Respondent(s):

Mr.T.Chezhiyan, Additional Government Pleader for R1 and R2

Mr.S.Ravichandran, Additional Government Pleader (HR&CE) for R3

Mr.M.Purushothaman for R4 to R12, R14 and R15

ORDER

(Order of the Court was made by the Hon'ble S.S.Sundar J.)

This petition is filed to condone the delay of 1033 days in filing the above Writ Appeal.

2.Even though notice is yet to be ordered, Mr.M.Purushothaman, learned counsel, who has undertaken to file vakalat for respondents 4 to 12, 14 and 15, has made his submissions.

3.This Court has earlier condoned the delay in representation on terms. Though the delay is inordinate, the petitioner has offered his explanation for the delay. From the sequence of events narrated in the affidavit filed in support of the petition, this Court is of the view that the reasons given by the petitioner cannot be discarded. Several intervening circumstances have been narrated in the affidavit. The petitioner has earlier filed a Review Application in 2019 immediately after the dismissal of the writ petition on 08.10.2018. After the Review Application was dismissed as withdrawn by order dated 16.04.2019, the petitioner has an explanation citing negligence of his erstwhile counsel.



It seems that the Appeal papers were returned originally and therefore, there was

delay in getting the application numbered. From March, 2020, the petitioner states that

he was unable to contact his counsel who had left for his native place. During Corona

Pandemic, the petitioner could not engage a counsel for filing an Appeal.

4.Though the learned counsel appearing for the contesting respondents has serious objections citing the merits of the case, as pointed out earlier, this Court has no material to discard the reasons stated in the affidavit. However, serious prejudice is caused to the respondents on account of the delay. Therefore, this Court is inclined to allow this application on terms.

5.Accordingly, this petition is ordered and the delay is condoned on condition that the petitioner pays a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the 15th respondent Temple, within a period of one week from the date of receipt of a copy of this order. Print the name of Mr.M.Purushothaman, learned counsel for contesting respondents, when the Appeal is posted for admission.

(S.S.SUNDAR J.) (P.DHANABAL J.)
24-01-2025

MKN