



CMP.No.17637 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2025

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THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

CMP.No.17637 of 2021
in Rev.Appl.(Writ).SRNo. 7732 of 2020

The Additional Special Tahsildar
Adi Dravidar Welfare Department, (land
Acquisition Officer) Harur, Rep By The District
Collector, Dharmapuri.

Petitioner(s)

Vs

M.Chinnaraj
S/o. Mottaiya Udayar, Ramanahalli Village,
Pappireddipatty Tk, Dharmapuri Dt 635 302.

Respondent(s)

Prayer in Review Petition: Review Petition is filed under Section 114 of the Civil Procedure Code r/w Order 47 Rule 1 to review the order dated 04.01.2019 passed by this Court in CRP.No.586 of 2017.

Prayer in Miscellaneous Petition: Miscellaneous Petition is filed under Section 5 of Limitation Act to condone the delay of 174 days in filing the above review application.

For Petitioner : Dr.S.Suriya, AGP

For Respondents : Mr.R.Suryanarayanan

ORDER

This petition has been filed seeking to condone the delay of 174 days in filing the above review application.

<https://www.mhc.tn.gov.in/judis> 2. The only reason assigned in the affidavit is that the delay was due to



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administrative reasons, except that ground, no other reasons are assigned. This Court is of the view that once the matter has been decided on the settled position of law, now, the matter cannot be re-opened based on the so-called administrative reasons.

3. It is to be pointed out that the delay that has occurred requires to be explained from the date the time was running out till the date of filing application, as the case may be, as per decision *Ramlal v. Rewa Coalfields Ltd.* AIR 1962 SC 361. The words ‘Sufficient Causes’ in Section 5 of the Limitation Act, 1963, ordinarily cannot be liberally construed just because the defaulting litigant in default is the Government. Indeed, the ingredients of Section 5 of the Limitation Act makes no distinction between the State and private individual or an institution when it is to establish sufficient cause.

4. In the decision of the Hon'ble Supreme Court in *The State of West Bengal vs. The Administrator, Howrah Municipality etc.*, (AIR 1972 Supreme Court 749) at page 755 in paragraph 30, it is held that:-

“30. The expression “sufficient cause” should receive a liberal construction so as to advance substantial justice when no negligence or inaction or want of bona fide is imputable to a party”

5. It is also relevant to point out that this Court in the case of *Indian Oil*

Corporation Ltd., Madras vs. Mrs. Sakuntala Ganapathy Rao Proprietor,

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



Modern Home Agencies (1998 (suppl) MLJ at page 96), it is laid down as follows:-

*“The period for preferring an appeal cannot be extended simply because the appellant's case is hard and calls for sympathy, nor will the courts extend the period of limitation merely out of benevolence to the party seeking relief. A court granting indulgence must be satisfied that there was deligence on the part of the appellant and that he was not guilty of any negligence whatsoever. Ofcourse, court should not be too strict as it might well defeat the ends of justice. Where there is no sufficient cause for condoning the delay having regard to the position of the party that too, when it is a corporation having assistance of best of men to conduct its affairs, the said delay should not be condoned as it amounts to a case of discretion not being exercised judicially. If there is no support by any evidence adduced for delay, the application therefor ought to be rejected. The word “sufficient cause” cannot be construed liberally merely because the party in default is the Government or an institution. In order to take a practical view of the working of a Government or an institution to the slow motion process of its wheels, there must be sufficient explanation from the source at which the delay occurred and the reasons for such delay. In the absence of satisfactory explanations of the delay by the petitioner the delay need not be condoned. It is settled law that the appellant has to satisfy that the delay was due to sufficient cause. In *United India Insurance Company Ltd. v. Pravin Paul*, (1993) 2 M.L.O.J. 174: [\(1993\) 1 L.W. 68](#), this Court has taken the view that in case of delay set up by a busy body, like the applicant/Petitioner herein, it has to be explained properly and non-explanation disentitles them to approach this Court. A Government undertaking cannot be equated to a private litigant. They are expected to give details with regard to delay. At para 6 of the affidavit, except a bald statement there is no explanation as to when the copy of the order was received and by whom, if so, as to the manner why and how the delay had been caused. In the absence of proper explanation with details regarding delay there is no sufficient cause to condone the delay of 64 days and the same is fatal. Mere stating “administrative delay” does not constitute sufficient cause and such an explanation is liable to be rejected.”*



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6. Even assuming a Government being an impersonal takes longer time than individuals or private parties, and although one can allow some premium yet it cannot be brushed aside that there must be an endeavour to explain the cause of such delay.

7. However, on going through the averments made in paragraph 7 of the C.M.P. No. 17637 of 2021 filed by the Petitioner especially to the effect that 'due to administrative reasons, petitioner was unable to file the above review in time' is not prima facie either good reasons or sufficient reasons to explain the delay of 174 days in question. Viewed in that perspective, the condonation of delay miscellaneous petition fails.

8. Accordingly, this petition stands dismissed and un-numbered review application stands rejected. No costs.

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Index : Yes/No
Internet : Yes/No
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