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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2025

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THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

**CMP.Nos.25575, 25623, 25626, 25642, 25655, 25659, 25666
& 25701 of 2023 &**

**AS SR Nos.39392, 39393, 39394, 39395, 39396, 39397,
39398, 39399 of 2021**

CMP.No.25575 of 2023 & ASSR No. 39399 of 2021

1. The Special Tahsildar [Land Acquisition],
Nallathangal Oodai Neertheekka Thittam,
Dharapuram.

2. The Revenue Divisional officer,
Dharapuram.

3. The Executive Engineer WRO / PWD,
Amaravathi Basin Division, Karur.

... Petitioner(s)

Vs

Velusamy Gounder

... Respondent(s)

CMP.No.25623 of 2023 & ASSR No. 39397 of 2021

1. The Special Tahsildar [Land Acquisition],
Nallathangal Oodai Neertheekka Thittam,
Dharapuram.

2. The Revenue Divisional officer,
Dharapuram.

3. The Executive Engineer WRO / PWD,



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Amaravathi Basin Division, Karur.

Vs

... Petitioner(s)

S.Thirumalaisamy

... Respondent(s)

CMP.No.25626 of 2023 & ASSR No. 39396 of 2021

1. The Special Tahsildar [Land Acquisition],
Nallathangal Oodai Neertheekka Thittam,
Dharapuram.

2. The Revenue Divisional officer,
Dharapuram.

3. The Executive Engineer WRO / PWD,
Amaravathi Basin Division, Karur.

... Petitioner(s)

Vs

C.Duraisamy

... Respondent(s)

CMP.No.25642 of 2023 & ASSR No. 39394 of 2021

1. The Special Tahsildar [Land Acquisition],
Nallathangal Oodai Neertheekka Thittam,
Dharapuram.

2. The Revenue Divisional officer,
Dharapuram.

3. The Executive Engineer WRO / PWD,
Amaravathi Basin Division, Karur.

... Petitioner(s)

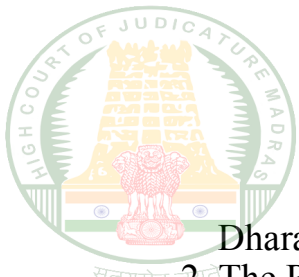
Vs

Ramaathal

... Respondent(s)

CMP.No.25655 of 2023 & ASSR No. 39398 of 2021

1. The Special Tahsildar [Land Acquisition],
Nallathangal Oodai Neertheekka Thittam,



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Dharapuram.

2. The Revenue Divisional officer,
Dharapuram.

3. The Executive Engineer WRO / PWD,
Amaravathi Basin Division, Karur.

... Petitioner(s)

Vs

Chellamuthu Gounder [died]

1. Thirumathal

2. Paulraj

3. Kalaiselvi

4. Thirumathal

... Respondent(s)

CMP.No.25659 of 2023 & ASSR No. 39395 of 2021

1. The Special Tahsildar [Land Acquisition],
Nallathangal Oodai Neerthekka Thittam,
Dharapuram.

2. The Revenue Divisional officer,
Dharapuram.

3. The Executive Engineer WRO / PWD,
Amaravathi Basin Division, Karur.

... Petitioner(s)

Vs

P.S.Palanisamy

... Respondent(s)

CMP.No.25666 of 2023 & ASSR No. 39393 of 2021

1. The Special Tahsildar [Land Acquisition],
Nallathangal Oodai Neerthekka Thittam,
Dharapuram.

2. The Revenue Divisional officer,
Dharapuram.

3. The Executive Engineer WRO / PWD,
Amaravathi Basin Division, Karur.

... Petitioner(s)



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Karupanna Gounder

Vs

... Respondent(s)

CMP.No.25701 of 2023 & ASSR No. 39392 of 2021

1. The Special Tahsildar [Land Acquisition],
Nallathangal Oodai Neertheekka Thittam,
Dharapuram.

2. The Revenue Divisional officer,
Dharapuram.

3. The Executive Engineer WRO / PWD,
Amaravathi Basin Division, Karur.

... Petitioner(s)

Vs

T.Subramani

... Respondent(s)

Common Prayer: Petitions filed under Order 41 Rule 3A of CPC to condone the delay of 897 days, in filing the appeal suit and under section 54 of the Land Acquisition Act as against the Order passed in LAOP.Nos.9, 6, 3, 8, 4, 2 & 1 of 2009 dated 14.11.2016 and LAOP.No.5 of 2009, dated 21.08.2017 on the file of the Subordinate Court, Dharapuram.

For Petitioners : Mr.C.Sathish, Government Advocate
in all CMPs. & ASs

For Respondents : Mr.S.K.Kharventhan & Mr.Ponraj
in CMP.Nos.25659, 25623, 25626 &
25701 of 2023, for R1 in CMP.No.25727
of 2023 and for R3 and R4 in
CMP.No. 25655 of 2023



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COMMON ORDER

These petitions have been filed to condone the delay of 897 days, in the filing the appeal suits as against the Order passed in LAOP.Nos.9, 6, 3, 8, 4, 2 & 1 of 2009 dated 14.11.2016 and LAOP.No.5 of 2009, dated 21.08.2017 on the file of the Subordinate Court, Dharapuram.

2. The reason assigned for the delay is that the case papers have been mixed up with other files and the same could not be traced and the delay in filing the appeal is mainly due to delay in tracing the entire case papers and lockdown effected due to corona virus. Except that ground, no other reasons have been assigned in the entire affidavit. 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 routine reasons assigned for condoning the delay.

3. Entire affidavit is bereft of any details and no explanation whatsoever has been given to condone such a huge delay. To show liberal approach for condoning such a huge delay, there should be atleast some

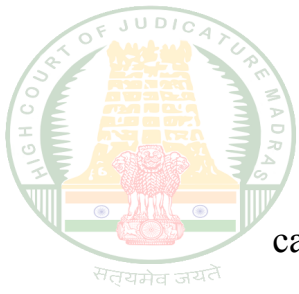


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convincing reason and sufficient cause has to be shown to advance substantive justice. Casually filing a petition to condone huge delay of 897 days in filing the appeal without any proper reasons, such huge delay cannot be condoned. A Court granting indulgence must be satisfied that there was diligence on the part of the appellants. When there is no sufficient cause for condoning the delay, the said delay cannot be condoned as a matter of right.

4. In this regard it is useful to refer the judgment of the Division Bench of this Court in **State of Tamil Nadu and Ors Vs. Melvisharam Muslim Educational Society** reported in **2018 [3] CTC 420**, wherein the Division Bench of this has held as follows :

“... Though the delay is condoned by the Court normally in a liberal manner, the said approach cannot be extended mechanically without any plausible explanation. What is pitted against an ordinary litigant is also pitted against the Government before Court of law to establish a particular fact. Though the word “sufficient cause” has to be given a liberal approach, to exercise discretion for such liberal approach, there must be necessary facts in the affidavit filed in support of the same. But, on a perusal of the affidavit, we do not find plausible explanation for such delay except stating that there is an administrative delay. Such vague and bald explanation



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cannot be accepted mechanically. When Courts are extending such liberal approach mechanically, it has become a routine

affairs of the Government Departments to file the appeals against every order passed by the Court. The present day scenario in filing the appeal, challenging every order by the Government Departments, clearly exhibits shirking responsibility of the Department Heads. In fact, now the tendency has developed among the Department Heads, not to take any risk and to avoid any question relate to the litigant and only in order to avoid any query, the administrative side files these types of appeals, though there is no merit in the appeal.

5. The Court, in exercising discretion, particularly in these types of petitions, has to see the conduct, behaviour and attitude of a party relating to its inaction or negligence. The above factors are relevant to be taken into consideration as the fundamental principle is that Courts are required to weigh the scale of balance of justice in respect of both parties and the said principle cannot be given a total go-by in the name of liberal approach. There is an increasing tendency to perceive delay even in a non-serious matter. Hence, the delay due to nonchalant attitude should be curbed at the initial stage itself.

6. Considering the above aspects and further the affidavit filed for condoning the delay, did not contain any details as to how the delay of 1860 days had occurred and that



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no plausible and proper explanation was assigned for each and every day's delay, we are of the view that it is a fit case where the discretion cannot be exercised for condonation of the delay.”

In the case on hand, the affidavits filed along with the petitions indicate that very casual allegations have been made and the same indicate that only to protract payment of compensation fixed by the reference Court, these appeals have been filed with such a huge delay. Such approach is nothing but to take away constitutional right of the parties. Hence, I do not find any merits in these petitions.

5. Accordingly, these petitions are dismissed and un-numbered Appeal Suits are rejected. No costs.

16.04.2025

Index : Yes/No

Internet : Yes/No

vrc

To,

The Subordinate Judge,
Dharapuram.



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N.SATHISH KUMAR, J.

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