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CMP No. 26380 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-07-2025

CORAM

**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**CMP No. 26380 of 2024
in W.A.SR.No.94596 of 2024**

M.N. Sugumaran (died)
1. Siddharth Sukumar
S/o. Sugumaran, Res. at New No.47,
Old No.25, TTK Road, Alwarpet,
Chennai - 018.

Appellant(s)

Vs

The Special Commissioner
and Commissioner of Land Reforms,
Chepauk, Chennai - 5

Respondent(s)

PRAYER

To condone the delay of 6257 days in filing the above Writ Appeal in
WA.Sr.No. 94596 of 2024

For Appellant(s): Mr. Vijay Narayan, Sr. Counsel
For Mr.Gautam S Raman

For Respondent(s): Mr. Vadivel Deenadayalan, AGP

**ORDER****(Order of the Court was made by J.Nisha Banu J.)**

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This Petition has been filed, praying to condone the delay of 6257 days in filing the Writ Appeal (WA SR.No.94596).

2. According to the petitioners, their father, M.N.Sugumaran had purchased an agricultural land in S.No.138/2 to an extent of 0.86 acres situated at Madipakkam village, which was subjected to Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1978 and by proceedings dated 13.04.1989, the Assistant Commissioner for Urban Land Tax, determined that the vacant land to an extent of 2000 sq.mt. as excess land. Aggrieved by the same, the petitioner's father preferred an appeal under Section 33 of the Act before the Special Commissioner and Commissioner of Land Reforms, who in turn, dismissed the same vide order dated 30.07.1992. Challenging the same, the petitioners' father filed a Writ Petition in W.P.No.20180 of 2007, which came to be dismissed by a learned single Judge of this Court vide order dated 18.06.2007 on the ground of delay and laches and also that the petitioners' father had not filed any proof of evidence that he was in possession of the subject land. Aggrieved by the same, the petitioners, who are the legal heirs of the writ petitioner, had preferred the present Writ Appeal and as there was delay, the present petition has been filed.

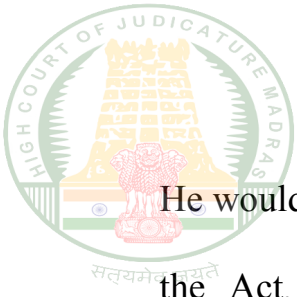
3. The learned counsel for the petitioners would submit that the father of the petitioners had also filed W.P.No.28153 of 2007 for similar relief, wherein,



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this Court on *prima facie* consideration that the father of the petitioners was in possession, granted interim stay, which was also extended, however, later the same came to be dismissed for non-prosecution and when the petitioners pursued with the said writ petition, they came to know about the dismissal of the Writ Petition in W.P.No.20180 of 2007 and since the learned single Judge dismissed the Writ Petition on the ground the petitioners' father had not filed any proof that he was in possession of the subject land and based on this order, subsequent W.P.No.28153 of 2007 and the Writ Appeal No.3983 of 2023 came to be dismissed. Therefore, the learned counsel would submit that since the petitioners are having relevant documents to prove that no physical possession was taken over by the officials under ULT proceedings as they failed to produce record to show that notice under Section 11(5) of 11(6) of the Act was issued to the father of the petitioners and as on date, the petitioners after demise of their father, are in possession of the subject property, the learned counsel seek to condone the delay as substantial rights of the parties are involved and urge this Court to render substantial justice by entertaining the writ appeal.

4. The learned Addl.Government Pleader filed counter affidavit and strongly objected to condone the huge delay, stating that even the writ petition was filed after a lapse of 15 years, which was rightly dismissed by the learned single Judge on the ground of delay and laches, which requires no interference.

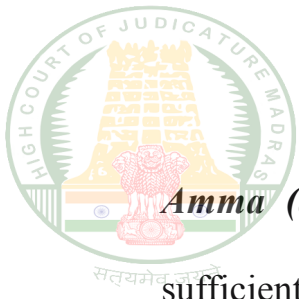


He would further submit that after following due procedure contemplated under the Act, possession was taken over by the authorities well before the implementation of the Repeal Act, 1999. He would also submit that after demise of their father, the petitioners have not taken earnest steps even to ascertain the stage of the writ proceedings filed by their father for years together and now, the petitioners are attempting to unsettle the settled issues by preferring the present writ appeal and they had not assigned cogent and convincing reasons towards the huge delay. Therefore, the learned Addl.Govt.Pleader sought for dismissal of the petition.

5. Heard the learned counsel for the petitioners and the learned Addl. Government Pleader for the respondents and perused the entire materials available on record.

6. It is not the length of delay that would be required to be considered while examining the plea for condonation of delay, it is the cause for delay which has been propounded will have to be examined. If the cause for delay would fall within the four corners of “sufficient cause”, irrespective of the length of delay same deserves to be condoned.

7. In ***“Perumon Bhagvathy Devaswom, Perinadu Village Vs. Bhargavi***



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Amma (dead) by LRs, (2008) 8 SCC 321, it is observed that the words sufficient cause for not making the application within the period of limitation should be understood and applied in a reasonable, pragmatic, practical and liberal manner, depending upon the facts and circumstances of the each case and also the type of case. It was held that word 'sufficient cause' occurring in Section 5 of the Limitation Act should receive a liberal construction so as to advance substantial justice.

8. In “**K. Subbarayudu and others Vs Special Deputy Collector (Land Acquisition)**” (2017) 12 SCC 840, the Hon'ble Supreme Court in paragraph 11 has held that the term "sufficient cause" is to receive liberal construction so as to advance substantial justice. When no negligence, inaction or want of bona fides is attributable to the appellants, the Court should adopt a justice-oriented approach in condoning the delay."

9. In “**Nand Kishore v. State of Punjab**”, (1995) 6 SCC 614, the Hon'ble Supreme Court under the peculiar circumstances of that case condoned the delay in approaching this Court of about 31 years.

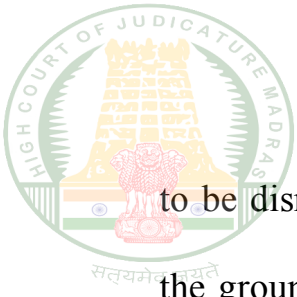
10. In “**Collector, Land Acquisition, Anantnag and Others vs. Katiji and Others**”, the Hon'ble Supreme Court, in advocating the liberal approach in condoning the delay for ‘sufficient cause’ held that ordinarily a litigant does not stand to benefit by lodging an appeal late; it is not necessary to explain every



day's delay in filing the appeal; and since sometimes refusal to condone delay may result in throwing out a meritorious matter, it is necessary in the interest of justice that cause of substantial justice should be allowed to prevail upon technical considerations and if the delay is not deliberate, it ought to be condoned.

11. In “*N. Balakrishnan v. M. Krishnamurthy*” (1998) 7 SCC 123, the the Hon'ble Supreme Court held that the purpose of the Limitation Act was not to destroy the rights. It is founded on public policy fixing a life span for the legal remedy for the general welfare. The primary function of a court is to adjudicate disputes between the parties and to advance substantial justice. The time-limit fixed for approaching the court in different situations is not because on the expiry of such time a bad cause would transform into a good cause. The object of providing legal remedy is to repair the damage caused by reason of legal injury.

12. In the present case, it is the case of the petitioners that they were not aware of the fact that their father moved two Writ Petitions viz., W.P.Nos.20180 of 2007 and 28153 of 2007 challenging the proceedings initiated under ULC Act and while they were pursuing one Writ Petition in W.P.No.28153 of 2007, they came to know about the order passed W.P.No.20180 of 2007, which came



to be dismissed on 18.06.2007 on the ground of delay and laches and also on the ground that the petitioners' father had not filed any proof of evidence that he was in possession of the subject land. Even citing this order, dated 18.06.2007, the other Writ Petition in W.P.No.28153 of 2007 came to be dismissed and also consequent Writ Appeal in W.A.No.383 of 2023. The grievance of the petitioners is that no opportunity was afforded to their father to prove that he was in possession of the subject land and that no physical possession was taken over by the authorities under ULC proceedings by following the procedure contemplated under the Act. Therefore, having regard to the proposition of law regarding condonation of the delay settled by the Hon'ble Supreme Court in the decisions cited above, this Court feels it appropriate to condone the delay and since the substantial rights of the petitioners are involved over the subject property, a fair and reasonable opportunity to get the matter adjudicated on merits, can be afforded to the petitioners.

13. Accordingly, this Petition is ordered and the delay is condoned, however, subject to the condition that the petitioners shall costs of Rs.10,000/- (Rupees Ten thousand only) to the Tamil Nadu State Legal Services Authority, Chennai, within a period of two weeks from the date of receipt of a copy of this order, failing which, the benefit granted under this order will automatically



cease to operate and this Petition stands dismissed without any further reference to this Court. No costs.

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14. On production of proof as regards payment of costs, the Registry is directed to number the appeal and post it "for admission" in regular course.

(J.NISHA BANU J.)(M.JOTHIRAMAN J.)
07-07-2025

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Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No

J.NISHA BANU, J.
and
M.JOTHIRAMAN, J.

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To
1. The Special Commissioner
and Commissioner of Land Reforms,
Chepauk, Chennai - 5

2. The Additional Commissioner
for Urban Land Tax Cum Competent
Authority, Alandur, Chennai - 88.

C.M.P.No.26380 of 2024