

C.M.P(MD)No.1197 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 27.03.2025

Coram

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

C.M.P(MD)No.1197 of 2025

in W.A(MD)SR.No.6386 of 2025

and W.A(MD)SR.No.6386 of 2025

1.The Inspector General of Registration,
Santhome High Road,
Chennai – 600 003.

2.The Special Deputy Collector (Stamps),
District Collector Office,
Virudhunagar District.

3.The Sub Registrar,
Sub Registrar Office,
Seithur,
Virudhunagar District.

... Petitioners

Vs.

P.Athimoolapandian

... Respondent

Prayer in C.M.P(MD)No.1197 of 2025:- Petition is filed under Section 5 of the Limitation Act to condone the delay of 417 days in filing W.A(MD)SR.No.6386 of 2025.



C.M.P(MD)No.1197 of 2025

Prayer in W.A(MD)SR.No.6386 of 2025:- Writ Appeal is filed under Clause 15 of the Letters Patent against the order passed by this Court in W.P(MD)No.22913 of 2015 dated 31.07.2023.

For Petitioners : Mr.N.Ramesh Arumugam
Government Advocate

For Respondent : Mr.G.Mohankumar

ORDER

(Order of the Court was made by J. NISHA BANU, J.)

C.M.P(MD)No.1197 of 2025 has been filed to condone the delay of 417 days in filing the Writ Appeal against the order passed by the learned Single Judge in W.P(MD)No.22913 of 2015 dated 31.07.2023.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The learned counsel appearing for the respondent filed a counter-affidavit stating that the writ petition filed by the respondent was allowed on 31.07.2023. Though the certified copy of the order was made ready on 09.10.2023, the petitioners stated that they received the

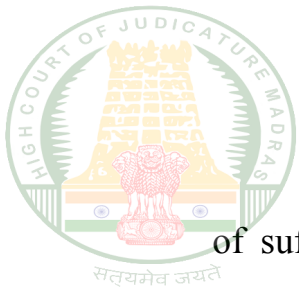


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certified copy of the order on 02.11.2023. However, the appeal was filed on 22.01.2025, after nearly 15 months. The petitioners further alluded to the Lok Sabha Election as one of the reasons for the delay. The 2024 Lok Sabha Election was held between 19th April to 1st June 2024 and results were declared on 4th June 2024. The model code of conduct was in force from 16.03.2024 to 06.06.2024, only for 83 days. However, the fact remains that the petitioners had no role in the concluded Lok Sabha election. Only the revenue and police department officials were enrolled for special duties not the officials of the registration department. Furthermore, the petitioners have not produced any documents to show that they were assigned duties and responsibilities during the said election. This clearly shows that the petitioners have not approached this Court with clean hands and the other reasons assigned are all unsustainable and the present condone delay petition deserves to be dismissed.

4. Though Courts have consistently held that the merits of the matter should be looked into instead of throwing it on technicalities, yet, it is also a settled proposition that inordinate delay defeats equity. In the instant case, the averments made in the supporting affidavit are bereft



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of sufficient cause for condoning the inordinate delay of 417 days in filing the Writ Appeal, which would clearly exhibit a lethargic attitude on the part of the petitioners, as such, the petitioners are not entitled to indulgence of this Court.

5.Thus, we are not inclined to condone the delay. Accordingly, this petition is dismissed. No costs. Consequently, connected W.A(MD)SR.No.6386 of 2025 is rejected, at the S.R stage itself.

[J.N.B.,J.] & [S.S.Y.,J.]
27.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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