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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.10.2025**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

C.M.P.(MD)No.6234 of 2024
in
W.A.(MD)SR No.27362 of 2024

1. The Inspector General of Police,
Tamil Nadu Special Force, (1st Battalion),
Trichy.
2. The Commandant,
TSP I Battalion,
(Tamil Nadu Special Police Force, 1st Battalion),
Trichy. ... Petitioners

/Vs./

R.Kathiravan ... Respondent

PRAYER in C.M.P.(MD)No.6234 of 2024:- Petition - filed under Section 5 of Limitation Act to condone the delay of 312 days in filing the writ appeal against the order dated 28.04.2023 made in WP(MD)No.10135 of 2019.



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PRAYER in W.A.(MD)SR No.27362 of 2024:- Petition - filed under Caluse 15 of Letters Patent to set aside the order dated 28.04.2023 made in WP(MD)No.10135 of 2019 and to allow this writ appeal.

For Petitioners : Mr.J.Ashok
Additional Government Pleader
for Mr.S.P.Maharajan
Special Government Pleader
For Respondent : Mr.S.Ramakrishnan

ORDER

(Order of the Court was made by **DR.ANITA SUMANTH, J.**)

This is the petition seeking condonation of 312 days delay in preferring a writ appeal.

2. We have heard Mr.J.Ashok, learned Additional Government Pleader for the petitioners and Mr.S.Ramakrishnan, learned counsel for the respondent, who has also filed a detailed counter objecting to the delay.

3. The reasons for delay have been set out in para 11 of the affidavit dated 14.11.2024 and read as follows:-

“11. I submit that the order in the Writ Petition was passed by the Hon'ble Court on 28.04.2023 and after



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completion of summer vacation of this Hon'ble Court, the original judgement was despatched in the month of October-2023 and it was received at the Office on 08.11.2023. On receipt of the original judgement, after getting instructions from the first appellant over phone, a letter has been sent to the Government Pleader, Madurai Bench of Madras High Court on 16.11.2023 seeking the legal opinion and it was kept in seniority wise to offer legal opinion. Further, after getting instructions, a detailed letter dated 04.01.2024 informing all the details and facts of this case, has been sent to the Government Pleader regarding the feasibility of filing writ appeal for the reasons mentioned above. In this connection, the legal opinion has been received from the Government Pleader on 16.02.2024 through special messenger through the letter in GP/LO.1743/2024, in which, it is opined that it is a fit case for filing writ appeal. Accordingly, appeal papers viz. Ground of Appeal, affidavits and petitions for stay have been prepared in detail & sent to the Government Pleader on 06.03.2024 through Special Messenger for vetting....”

4. A perusal of the above indicates that seeking delay has been occasioned between the date of the order, ie., 28.04.2023 and the date of receipt of the order by post on 08.11.2023. On a careful examination of the papers and particularly the copy that accompanying this petition, we come to understand from learned Additional Government Pleader that no copy application has been filed in the matter by the petitioner, who states that the appeal has been filed on the basis of the free copy sent by post by the registry of the Court.



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5. We are appalled by the total lack of interest on the part of the petitioner. The basic requirement is that an aggrieved party file a copy application to obtain the order and take necessary measures as against the same. In this case, such a preliminary step has not been taken.

6. Hence, and in the above circumstances, we are of the considered view that no justification whatsoever is made out for the delay of 312 days in filing the writ appeal and hence, reject this petition. Consequently, writ appeal is rejected at SR stage itself.

[A.S.M.J.] & [C.K.J.]
16.10.2025

Index :Yes/No
Internet :Yes
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DR.ANITA SUMANTH, J.
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C.KUMARAPPAN, J.

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