



C.M.P.(MD)No.11919 of 2024

WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 15.09.2025

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
AND
THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**C.M.P.(MD)No.11919 of 2024
in WA(MD)No.45 of 2016**

The Tamilnadu Housing Board,
Rep. by its Executive Engineer cum
Administrative Officer,
Madurai Division, Ellis Nagar,
Madurai – 625 010

... Petitioner/Appellant/R3

vs.

1.K.Arumugam

2.K.Palanivel

3.K.Kannan ..Respondents 1 to 3/Respondents 1 to 3/Petitioners

4.The State of Tamilnadu,
Rep. by its Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Chennai – 600 009.

5.The Special Tahshildar,
(Land Acquisition),
Ellis Nagar Scheme,
Madurai.

... Respondents 4 & 5//Respondents 4 &5/Respondents 1 &2

PRAYER: Civil Miscellaneous Petition is filed under Section 5 of the Limitation Act to condone the delay of 1017 days in filing the restoration petition.



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For Petitioner : Mr.A.Kannan
For R5 : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

(Order of the Court was made by **C.V.KARTHIKEYAN, J.**)

This petition has been filed to condone the delay of 1017 days in filing the application to restore the Writ Appeal against the third respondent.

2.The Writ Appeal had been dismissed against the third respondent since batta had not been filed within the specified time stipulated by the Court.

3. We find from the records that a batch of writ petitions have been filed and WP(MD)No.8291 of 2007 from which the Writ Appeal emanates alone could not be taken up since the first petitioner in the writ petition namely, K.Arumugam had died.

4. But the other writ petitions have been dismissed and WP(MD)No.8291 of 2007 alone had been allowed quashing the notification under Section 4(1) of the Land Acquisition Act, 1894 and therefore, the matter will have to be heard.



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5. In view of those factors, we would condone the delay of 1017 days in filing the petition to restore WA(MD)No.45 of 2016 as against the third respondent also. The petition stands allowed and the delay is condoned. The Registry is directed to number the consequential petition to restore the Writ Appeal as against the third respondent also and put up for consideration before this Court on **22.09.2025**.

(C.V.K., J.) (R.V., J.)
15.09.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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C.V.KARTHIKEYAN, J.
and
R.VIJAYAKUMAR, J.

CM

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