



C.R.P.(MD)No. 1984 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.[NPD](MD)No.1984 of 2025

The Ramco Cements Ltd.,
Formerly known as Madras Cements Ltd.,
Represented through it's
Senior General Manager,
(Admin & Accounts),
R.R.Nagar, Virudhunagar District.

...Petitioner

Vs.

- 1.The Competent Authority Cum
Special District Revenue Officer,
Land Acquisition (N.H.47B),
Land Acquisition office,
Nagercoil.
- 2.The National Highways Authority of India,
Represented through it's Project Director,
Indian National Highways Board,
Madurai.



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3.The Arbitrator / District Collector,
Tirunelveli District.

...Respondents

PRAYER: Civil Revision Petition is filed under Section 115 of the CPC, praying to allow the CRP with costs by setting aside the common fair order and final order passed by the Hon'ble Principal District Court, Tirunelveli made in I.A.No.4 of 2023 in Ar.O.P.No.79 of 2020 dated 08.08.2024.

For Petitioner : Mr.A.Sivaji

For Respondents 1 & 3 : Mr.B.Saravanan

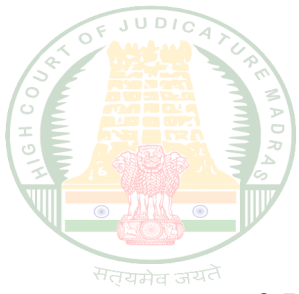
Additional Government Pleader

For Respondent No.2 : Mr.Su.Srinivasan

Standing Counsel

ORDER

This petition has been filed seeking to set aside the common fair and final order passed by the learned Principal District Judge, Tirunelveli, in I.A.No.4 of 2023 in Ar.O.P.No.79 of 2020 dated 08.08.2024.



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2.Learned Counsel for the petitioner / company would submit that the petitioner / company is the landlord. The petitioner's / company's lands were acquired by the National Highways. As against the compensation granted, the petitioner / landlord preferred appeal before the Arbitrator / District Collector, Tirunelveli, as per Section 3G(5) of the National Highways Act, 1956. The arbitrator passed an award. However, being aggrieved by the arbitration award, the petitioner / company filed an appeal in Ar.O.P.No.79 of 2020, before the District Judge, Tirunelveli. However, the petitioner has not appeared for the hearing on 30.09.2022, since the hearing date was wrongly noted by the junior Counsel. Hence, the Ar.O.P. was dismissed for default on 30.09.2022. Thereafter, the petitioner / company preferred I.A.No.4 of 2023, under Section 5 of the Limitation Act, to condone the delay in filing the petition to restore the Ar.O.P.No.79 of 2020 and I.A.No.5 of 2023, under Order 9 Rule 9 of CPC, to restore the Ar.O.P.No.79 of 2020. Both the said I.As were dismissed. Challenging the same, the present Civil Revision Petition has been filed.

3.Learned Counsel for the petitioner / company would submit that the lower Court dismissed the condone delay petition stating that the delay was not properly explained. However, the petitioner / company would submit that the



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petitioner / company is the landlord and if the appeal is dismissed, the petitioner will not be able to get proper compensation despite having lost their lands.

Hence, he prays that the order of the trial Court needs to be interfered with. He would further submit that the petitioner / company is ready to pay any reasonable cost imposed by this Court for allowing the condone delay petition.

4.Learned Additional Government Pleader for the respondents would vehemently contend that the delay was not properly explained and thereby, the trial Court has rightly dismissed those applications.

5.Heard the learned Counsel on either side.

6.Repeatedly, the Hon'ble Supreme Court as well as this Court has held that the delay has to be leniently viewed and the parties must be given an opportunity to contest the case. Admittedly, the petitioner / company is the land loser and they are entitled for a fair compensation. Considering the above, this Civil Revision Petition is allowed and the order passed by the trial Court in I.A.No.4 of 2023 in Ar.O.P.No.79 of 2020 dated 08.08.2024 is set aside, on condition that the petitioner pays a cost of Rs.10,000/- to the District Legal Services Authority, Tirunelveli, within a period of two [2] weeks from the date of receipt of a copy of this order. Upon production of the payment receipt, the trial Court is directed to restore I.A.No.4 of 2023 in Ar.O.P.No.79 of 2020 dated 08.08.2024 and also dispose of the O.P. in accordance with law. There shall be no order as



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Internet: Yes/No

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To

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Tirunelveli.
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Special District Revenue Officer,
Land Acquisition (N.H.47B),
Land Acquisition office,
Nagercoil.
- 3.The Project Director,
National Highways Authority of India,
Indian National highways Board,
Madurai.
- 4.The Arbitrator / District Collector,
Tirunelveli District.
- 5.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

MR

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