



C.M.P.(MD) No.17204 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2025

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**C.M.P.(MD) No.17204 of 2025
and
W.A.(MD) SR No.89823 of 2025**

- 1.The District Collector
O/o.District Collectorate
Tuticorin District
- 2.The Divisional Revenue Officer
O/o.DRO Office
Kovilpatti, Tuticorin District
- 3.The Revenue Divisional Officer
O/o.The RDO Office
Kovilpatti, Tuticorin District
- 4.The Tahsildar
Kovilpatti
Tuticorin District

... Petitioners

-VS-

- 1.K.Avudaithai
- 2.P.Barami

... Respondents



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PRAYER: Petition filed under Section 5 of Limitation Act to condone the delay of 641 days in preferring the above writ appeal against the order dated 15.12.2023, passed in W.P.(MD) No.14300 of 2023.

For Petitioners : Mr.M.Ajmal Khan
Additional Advocate General
assisted by Mr.S.P.Maharajan
Special Government Pleader

For Respondents : Ms.Porkodi Karnan
for M/s.Polax Legal Solutions

ORDER

[Order of the Court was made by G.JAYACHANDRAN, J.]

This civil miscellaneous petition has been filed seeking to condone the delay of 641 days in the filing the appeal.

2. Though this Court is very reluctant to condone the delay exceeding one year, in this case, the peculiar facts warrant to condone the delay, since the very basis of the writ petition appears to be in contravention to the settled first principle of law established under the Code i.e., a mandatory



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decree obtained by the writ petitioners in a civil suit of the year 2014 sought to be implemented through a writ petition, after the period of limitation expired. However, the writ petition petition filed in the year 2023 has been allowed. Hence, this civil miscellaneous petition is allowed and the delay of 641 days in filing the appeal is condoned, after considering the reasons stated in the affidavit filed in support of the condone delay application and the counter affidavit filed by the respondents.

3. Registry is directed to number the writ appeal, if the papers are otherwise in order, and post the same for admission in the usual course.

[G.J., J.] [K.K.R.K., J.]

01.12.2025

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

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To:

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O/o.District Collectorate,
Tuticorin District.



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