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CMP.No.9590 of 2025 in WA.SR.No.50143 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

CMP.No.9590 of 2025 and  
WA.SR.No.50143 of 2025

1. The State of Tamil Nadu, represented by its  
Secretary to Government, Forest and Environment  
Department, Fort St.George, Chennai-9
2. The Principal Chief Conservator of Forests  
Panagal Building, Saidapet, Chennai-15
3. The District Forest Officer,  
Dharmapuri Forest Division, Dharmapuri

Vs

Petitioners-CMP/  
Appellants-WA.SR

M.Palanisamy, S/o.Marimuthu  
95, Koodupatti (Vill), Dasampatti (Po)  
Pennagaram (TK), Dharmapuri

Respondent-CMP/  
Respondent-WA.SR

Prayer:- This CMP.No.9590 of 2025 is filed, under Section 5 of the  
Limitation Act, to condone the delay of 2143 days in filing the above  
WA.SR.No.50143 of 2025.

Prayer:- This WA.SR.No.50143 of 2025 is filed, under Clause 15 of the



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Letters Patent, 1862, against the order of the Writ Court, dated 12.12.2018,  
passed in WP.No.32564 of 2018

For Petitioner(s) : Mr.R.Neethiperumal, GA

For Respondent(s) : Mr.M.R.Jothiraman

### ORDER

(Order of the Court was made by Shamim Ahmed, J.)

1. This CMP.No.9590 of 2025 is filed, under Section 5 of the Limitation Act, to condone the delay of 2143 days in filing the WA.SR.No.50143 of 2025.
2. This WA.SR.No.50143 of 2025 is filed, under Clause 15 of the Letters Patent, 1862, against the order of the Writ Court, dated 12.12.2018, passed in WP.No.32564 of 2018
3. The facts of the case, in a nutshell, necessary for disposal of the same, are as follows:-

(a) The Respondent was appointed as a Plot Watcher on daily wage basis on 01.08.2083 at Forest Range Office and his services were regularised on 07.08.2019 and he was promoted as Forest Watcher in the regular time scale of pay and again, he was promoted as Forest Guard on 01.12.2014. The Respondent had filed WP.No.32564 of 2018, to direct the Respondents 1 and 2 therein to appoint him as



Forest Watcher in the regular time scale of pay from the year 1995, on par with his juniors and the said Writ Petition was disposed of by the Writ Court, by the order dated, 12.12.2018, directing the Respondents therein to consider the case of the Respondent treating him as a person appointed as a Plot Watcher in the regular time scale of pay from 1995 for the limited purpose of continuity of service to calculate the eligible period for pension. As against the same, the Petitioners herein/ the Respondents in the Writ Petition, have preferred in WA.SR.No.50143 of 2025, on 27.04.2023, along with the present Civil Miscellaneous Petition to condone the delay of 2143 days, in filing the above WA.SR.No.50143 of 2025.

4. This Court heard Mr.R.Neethiperumal, the learned Government Advocate for the Petitioners and Mr.M.R.Jothiraman, the learned counsel for the Respondent.
5. The learned Government Advocate for the Petitioners submits that the delay of 2143 days in filing the above Writ Appeal had occurred due to administrative reasons and Covid-19 Pandemic Situation and hence, the learned Counsel prays this Court to allow this Petition, by condoning the delay in filing the Writ Appeal, in the interest of justice.
6. On the other hand, the learned counsel for the Respondent submits that



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this Civil Miscellaneous Petition filed under Section 5 of the Limitation Act, is, *prima facie*, not legally maintainable and that the reasons assigned by the Petitioners for condoning such an inordinate delay are vague and not valid reasons and not sufficient and hence, this Civil Miscellaneous Petition is liable to be dismissed.

7. This Court has given its careful and anxious consideration to the contentions put forward by the learned counsel on either side and also perused the entire materials available on record.
8. The present Civil Miscellaneous Petition is one filed under Section 5 of the Limitation Act, with a prayer for condoning the delay of 2143 days in filing the above Writ Appeal.
9. The standard period of limitation for filing a Writ Appeal is 30 days from the date of the impugned order, as stipulated in the High Court Rules. In the present case, this Civil Miscellaneous Petition has been filed to condone the delay of 2143 days in filing the Writ Appeal. However, under Section 5 of the Limitation Act, 1963, the Court is empowered to condone the delay if the Petitioner is able to demonstrate "sufficient cause" for not preferring the appeal within the prescribed limitation period. The explanation offered must be reasonable, bona fide, and not indicative of negligence or inaction.



10. In the present case, the reasons assigned by the Petitioner for condoning the delay are that the delay of 2143 days had occurred due to administrative reasons and Covid-19 Pandemic.

11. After perusal of the records, this Court finds that there is neither a satisfactory explanation nor any valid reasons for condoning the inordinate delay of 2143 days in filing the Writ Appeal. Hence, the present Civil Miscellaneous Petition is a time-barred one and cannot be sustained on the ground of laches.

12. The expression “sufficient cause” and satisfactory explanation has been held to receive a liberal construction, so as to advance substantial justice and generally, a delay in preferring a petition may be condoned in the interest of justice, where no gross negligence or deliberate inaction or lack of bona fide is imputable to parties, seeking condonation of delay. In the case of **Collector, Land Acquisition Vs. Katiji**, reported in **1987(2) SCC 107**, the Honourable Supreme Court said that when substantial justice and technical considerations are taken against each other, cause of substantial justice deserves to be preferred, for, the other side cannot claim to have vested right in injustice being done because of a non deliberate delay. The Court further said that judiciary is respected not on account of its power to legalise injustice on technical grounds, but



because it is capable of removing injustice and is expected to do so.

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13. In similar issue, facts and circumstances, the Division Bench of this Court, in **WA.SR.Nos.105450 and 106444 of 2024 and CMP.Nos.17783 and 17784 of 2024, by the judgement, dated, 21.01.2026,** relying on various judgements and orders of the Honourable Supreme Court, was pleased to observe as under:-

“ 26. After taking into consideration the averments made in the Civil Miscellaneous Petitions, under Section 5 of the Limitation Act and *after hearing the learned counsel for the Petitioners/appellants* , this Court is not satisfied that the *Petitioners/appellants have explained the delay properly in filing the present Writ Appeals.*

27. *In our view, the kind of explanation rendered herein does not satisfy the observations of the Honourable Supreme Court that if delay has occurred for reasons, which does not smack of mala fide, the Court should be reluctant to refuse condonation. On the contrary, We find that here is a case, which shows complete careless and reckless long delay on the part of the Petitioners/appellants, which has remain virtually unexplained at all. Therefore, We do not find any reason to exercise our judicial discretion exercising judiciously so as to justify the condonation of delay in the present case.*

28. *In view of the above, the present Civil Miscellaneous Petitions are liable to be dismissed.*



*29. In the result, in the light of the said observations and discussions made above and in the light of the decisions referred to above, these Civil Miscellaneous Petitions filed under section 5 of the Limitation Act with a prayer for condoning the delay of 972 days in filing the Writ Appeals is baseless and the same is hereby dismissed.*

*30. In view of the dismissal of Civil Miscellaneous Petitions, the Writ Appeals are dismissed on the ground of delay and latches. There shall be no order as to cost.*

*31. The appellants are also directed to make compliance of the judgement and order passed by the writ Court dated 26.10.2021 within a period of two months from the date of receipt of a copy of this order.”*

14.Following the above said judgement, dated, 21.01.2026, made in WA.SR.Nos.105450 and 106444 of 2024 and CMP.Nos.17783 and 17784 of 2024, by the Division Bench of this Court, in similar issue, facts and circumstances, this Court is of the view that this Civil Miscellaneous Petition, seeking to condone the delay of 2143 days in filing the Writ Appeal is liable to be dismissed and accordingly, it is **dismissed**. Consequently, the above Writ Appeal in WA.SR.No.50143 of 2025 is rejected. There is no order as to costs.

15.The Petitioners/Appellants are directed to make compliance of the judgement and order passed by the Writ Court, dated 12.12.2018, in



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WP.No.32564 of 2018, within a period of two months from the date of receipt of a copy of this order.”

(R.S.K.J.) & (S.S.A.J.)  
13.02.2026

Index:Yes/No  
Web:Yes/No  
Speaking/Non Speaking  
Neutral Citation  
Srcm

To

1. The State of Tamil Nadu, represented by its  
Secretary to Government, Forest and Environment  
Department, Fort St.George, Chennai-9
2. The Principal Chief Conservator of Forests  
Panagal Building, Saidapet, Chennai-15
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