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CMP.No.23939 of 2025 in WA.SR.No.142882 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

CMP.No.23939 of 2025 and
WA.SR.No.142882 of 2025

1. The State of Tamil Nadu, represented by its
Secretary to Government, Rural Development and Panchayat Raj
Department, Fort St.George, Chennai-9
2. The Director of Rural Development, Panagal Buildings
Saidapet, Chennai-15
3. The District Collector, Villupuram District
4. The District Employment Exchange
Villupuram

Vs

Petitioners-CMP/
Appellants-WA.SR

1. B.Selvakumari, D/o.Baskar, Nangadur and Post
Periya Thachur (via) Gingee, Villupuram 605651
2. The Block Development Officer,
Mailam Panchayat Union, Villupuram

Respondents-CMP/
Respondents-WA.SR



Prayer:- This CMP.No.23939 of 2025 is filed, under Section 5 of the Limitation Act, to condone the delay of 3387 days in filing the above WA.SR.No.142882 of 2025.

Prayer:- This WA.SR.No.142882 of 2025 is filed, under Clause 15 of the Letters Patent, 1862, against the order of the Writ Court, dated 22.12.2015, passed in WP.No.4142 of 2015.

For Petitioner(s) : Mr.S.Yashwanth, AGP

ORDER

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

1. This CMP.No.23939 of 2025 is filed, under Section 5 of the Limitation Act, to condone the delay of 3387 days in filing the WA.SR.No.142882 of 2025.
2. This WA.SR.No.142882 of 2025 is filed, under Clause 15 of the Letters Patent, 1862, against the order of the Writ Court, dated 22.12.2015, passed in WP.No.4142 of 2015
3. The facts of the case, in a nutshell, necessary for disposal of the same, are as follows:-

(a) The 1st Respondent had joined the services as a Technical Assistant on 25.10.2013 through the Employment Exchange and thereafter, the 1st Respondent's seniority in the employment exchange had been



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closed. While so, the 1st Respondent was relieved from the services on 07.11.2014. Since the claim of the 1st Respondent for appointment to the post of overseer through the Employment Exchange was not considered, the 1st Respondent had filed WP.No.4142 of 2015, to direct the Respondents therein to extend first priority to the 1st Respondent, while recruiting fresh candidates for the post of overseer or any other equivalent post in the existing and future vacancies and the said Writ Petition was allowed by the Writ Court, by the order dated, 22.12.2015. As against the same, the Petitioners herein/ the Respondents in the Writ Petition, have preferred in WA.SR.No.142882 of 2025, on 27.04.2023, along with the present Civil Miscellaneous Petition to condone the delay of 3387 days, in filing the above WA.SR.No.142882 of 2025.

4. This Court heard Mr.S.Yashwanth, the learned Additional Government Pleader for the Petitioners.
5. The learned Additional Government Pleader for the Petitioners submits that the delay of 3387 days in filing the above Writ Appeal had occurred due to administrative reasons and that the said delay is neither deliberate nor willful 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.

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6. This Court has given its careful and anxious consideration to the contentions put forward by the learned Additional Government Pleader for the Petitioners and also perused the entire materials available on record.
7. The present Civil Miscellaneous Petition is one filed under Section 5 of the Limitation Act, with a prayer for condoning the delay of 3387 days in filing the above Writ Appeal.
8. 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 3387 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.
9. In the present case, the reasons assigned by the Petitioner for condoning the delay are that the delay of 3387 days had occurred due to administrative reasons and that the said delay is neither deliberate nor



willful

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10. 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 3387 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.

11. 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.

12. In similar issue, facts and circumstances, the Division Bench of this



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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



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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.”

13.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 3387 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.142882 of 2025 is rejected. There is no order as to costs.

14.The Petitioners/Appellants are directed to make compliance of the judgement and order passed by the Writ Court, dated 22.12.2015, in WP.No.4142 of 2015, within a period of two months from the date of receipt of a copy of this order.



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(R.S.K.J.) & (S.S.A.J.)
25.02.2026

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

1. The Block Development Officer, Mailam Panchayat Union, Villupuram



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and
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