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CMP No. 576 of 2025 in
W.A.SR.No.110693 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

**CMP No. 576 of 2025 in
WA SR NO. 110693 OF 2024**

K.Thazil Mohamed
S/o. Khader Batcha, Formerly Plumber, Government
Raja Mirasudar Hospital, Thanjavur

..Appellant

Vs

1. The Dean
Government Raja Mirasudar Hospital, Thanjavur
2. The Director of Medical Education
Chennai-600 010
3. The Secretary to Government
Health and Family Welfare Department, Fort St
George, Chennai-600 009

..Respondents

Prayer in CMP No. 576 of 2025 : To condone the delay of 6032 days in filing of the writ appeal.

For Appellant :

Mr.G.Bala

For Respondents :

Ms.M.Sneha
Special Counsel for Health and Family Welfare
Department



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Order

(Order of the Court was made by R.Suresh Kumar J.)

This petition has been filed to condone the very huge delay of 6032 days in filing W.A.SR.No.10693 of 2024. It is quite unusual to seek such a prayer to condone such a huge delay. Normally, this kind of condone delay petitions will be filed in rare and peculiar circumstances.

2. Here, it is one such case where the impugned order in the proposed writ appeal was passed by the writ Court on 02.01.2008 in W.P.No.32075 of 2005, however, in the copy of the order it has been mentioned as W.P.No.32075 of 2006. In fact, the said writ petition in W.P.No.32075 of 2005 was a writ petition by transfer from O.A.No.8119 of 2001 filed before the then existing Tamil Nadu State Administrative Tribunal. Pursuant to the order dated 02.01.2008, admittedly a copy application in SR.No.167 of 2008 dated 03.01.2008 was filed by the petitioner in W.P.No.32075 of 2005 (T). That was the correct writ petition number. However, the Registry after verifying the number mentioned in the copy application, as the writ petition has been wrongly mentioned in the order copy as W.P.No.32075 of 2006, has not processed the copy application and it has been consigned to records on 09.06.2008.



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3. If at all there is a typographical error in the copy of the order, that should have been verified by the Registry before consigning the copy application to the records. Of course, when applying for a copy of the order, the petitioner has mentioned the writ petition number correctly. Subsequently, since the order copy was not made ready, a complaint was made on behalf of the petitioner on 05.08.2014, which was also acknowledged by the Registry by putting the High Court seal with the initial by the officer concerned. Another complaint had also been made by the petitioner that the order copy has not been made for more than six and half years, which was also acknowledged by the Registry.

4. Subsequently, on 05.12.2018 a print out has been taken from the web site about the status of the case, where it shows in the column 'any connected applications are there' – 'no corrected applications', in the column 'order' – 'no orders' and in the column 'connected cases' - 'no connected cases'. The status does not disclose any other information except the information that 02.01.2008 was the last hearing date of the case. Therefore, it did not suggest that on 02.01.2008, the writ petition was disposed of and order was signed by the learned Judge and therefore, it was again a confusion that, whether the order copy has been made ready or not in respect of the said case.



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5. When that being the position, having waited for long years, the petitioner was constrained to file yet another writ petition in W.P.SR.No.13580 of 2024 with a prayer seeking a writ of mandamus directing the registry to issue certified copy of the final order passed in W.P.No.32075 of 2005 dated 02.01.2008 or in the alternative directing the registry to reconstruct the papers filed in W.P.No.32075 of 2005 and list the said case before the concerned Bench for disposal in accordance with law. Without numbering the case, it seems to have been posted before the Division Bench for hearing as to the maintainability, where, on behalf of the Registry an undertaking was given that if a fresh copy application is filed, the certified copy of the order would be made ready and issued to the petitioner within 15 days. This was recorded by the Division Bench by order dated 28.03.2024 and the said writ petition was disposed of in the SR stage itself.

6. Only pursuant to the same, the second copy application was filed on 15.07.2024 in C.D.No.13968 of 2024 and the copy of the order was issued on 29.07.2024. Therefore, after getting the certified copy of the order the instant writ appeal has been filed, where there has been a delay of 6032 days and therefore, such a very huge delay has occurred.



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7. After seeing such a huge delay, we wanted to know what had happened for all these years. Therefore, by our last order dated 07.04.2026, we directed the Registry to file a report. Accordingly, the Registrar (Judicial), High Court of Madras has filed a report dated 22.04.2024, where all these particulars have been disclosed.

8. On a perusal of the report, we find that the delay caused in issuing the certified copy of the order is not attributable to the petitioner as he has been consistently pursuing to get the certified copy of the order by making application after application and ultimately filed a writ petition seeking a mandamus as stated herein above.

9. Therefore, there is every justification on the part of the petitioner to seek for the indulgence of this Court to condone the delay in filing the writ appeal. Considering these peculiar facts and circumstances, we are inclined to condone the delay of 6032 days in filing the writ appeal.

10. Heard Ms.M.Sneha, learned Special Counsel for the Health and Family Welfare Department and in view of the peculiar facts and circumstances, she does not have any objection in allowing the petition.



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**R.SURESH KUMAR J.
AND
N.SENTHILKUMAR J.**

KST

11. Accordingly this petition is ordered. Registry is directed to number the writ appeal, if the papers are otherwise in order, and post for admission on **30.04.2026**.

**(R.S.K.,J.) (N.S.,J.)
28-04-2026**

KST

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