



C.M.P.No.70 of 2026
and
W.A.SR.No.138017 of 2025

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G.JAYACHANDRAN, J.
and
N.MALA, J.

The respondent herein, appearing as a caveator, has taken notice of the condone delay petition.

2. This is very unfortunate case where the appellant, Tamil Nadu Housing Board, was not made a party to the writ petition. At the first instance, the appellant was impleaded on 21.12.2021 and an adverse order was passed against them on the very same day. Consequently, the matter has been taken up for consideration by the appellant department, which subsequently decided to prefer an appeal. However, there is a substantial delay in filing the appeal. Hence, the present petition has been filed to condone the delay of 1378 days.

3. No counter affidavit has been filed in the condone delay petition; however the learned counsel for the 1st respondent/writ petitioner vehemently opposed the condonation of delay, stating that the delay is enormous. He contended that even assuming the order was passed on the same day without hearing the appellant, the delay of 1378 days has not been properly explained. Therefore, the petition deserves to be dismissed.

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4. No doubt, the submission of the learned counsel appearing for the 1st respondent appears to be reasonable; however, we are conscious of the fact that justice must not only be done but must also seem to be done.

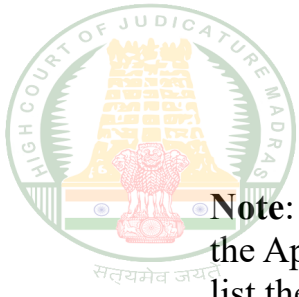
5. The Tamil Nadu Housing Board, which is before us as the appellant, was impleaded as a party in the course of arguments on 21.12.2021 and an order was passed on the same day adversely affecting the interest of the Housing Board. Though the order copy indicates that the learned Special Government Pleader represented the respondent, we are aware of the fact that the Tamil Nadu Housing Board has its own panel of counsel to represent them and whether the counsel who had taken notice for the respondent had any proper instructions to represent the Housing Board on that day is not clear.

6. In any event, we are inclined to hear the matter on merits instead of affirming an order passed without hearing Housing Board, which adversely affected it. Hence, the delay in filing the appeal is condoned. Accordingly, the petition seeking condonation of delay of 1378 days is allowed.

[Dr.G.J., J.] & [N.M., J.]
03.06.2026

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2/4



Note: The Registry is directed to number the Appeal, if it is otherwise in order and list the matter for admission.

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