



C.M.P(MD)No.3335 of 2026 in
W.A(MD)SRNo.14263 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

C.M.P.(MD)No.3335 of 2026
in
W.A.(MD)SR.No.14263 of 2026

1.The Secretary to Government,
Home Department,
Secretariat,
Chennai.

2.The Additional Chief Secretary to Government,
Home (POL-IV) Department,
Secretariat,
Chennai.

3.The Director General of Police,
Tamil Nadu,
O/o.The Director General of Police,
Chennai.

4.The Additional Director General of Police,
Law and Order,
Tamil Nadu,
Chennai.

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5.The Deputy Inspector General of Police,
Madurai Range,
Madurai.

6.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

... Petitioners/Appellants

-Vs-

T.Seeralan,
S/o. A.Theivaraj,
No.1/67, North Street,
Thethur Post, Vadipatty Taluk - 625 503,
Madurai District.

... Respondent/Respondent

PRAYER in C.M.P.(MD)No.3335 of 2026: Petition filed under Section 5 of the Limitation Act, Civil Procedure Code, to condone the delay of 1004 days occurred in filing the Writ Appeal.

PRAYER in W.A.(MD)SR.No.14263 of 2026: Petition filed under Clause 15 of Letters Patent, to allow the Writ Appeal and set aside the order dated 19.04.2023 made in W.P.(MD)No.7253 of 2020 on the file of this Court.

For Petitioners

: Mr.S.P.Maharajan
Special Government Pleader



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ORDER

(Order of the Court was made by **N.SATHISH KUMAR, J.**)

This Civil Miscellaneous Petition has been filed to condone the delay of 1004 days in filing the Writ Appeal.

2.Heard the learned counsel appearing for the petitioners and perused the materials available on record.

3.The reasons assigned for the delay are that the order in the Writ Petition was passed on 19.04.2023 and was received by the 6th petitioner/appellant, namely, the Superintendent of Police, Virudhunagar District, on 05.07.2023. Thereafter, the matter was processed at various administrative levels, including the office of the Director General of Police and the Government, involving exchange of communications, consideration of the respondent's representation, and verification of connected records, including disciplinary proceedings and files relating to the respondent and the co-delinquent.

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4.During the said process, clarifications were sought by the Government on multiple occasions, and replies were furnished by the Director General of Police after obtaining remarks from the concerned authorities. The relevant files, including the PR files of the respondent and the co-delinquent, were also called for, scrutinized, and forwarded to the Government.

5.Ultimately, upon consideration of all materials, the Government, by letter dated 05.01.2026, instructed the petitioners/appellants to prefer an appeal in the interest of the department. Pursuant thereto, necessary directions were issued, and after collecting the connected records and obtaining legal opinion, steps were taken to file the present Writ Appeal. Thus, the delay of 1004 days in filing the Writ Appeal has occurred due to administrative reasons and procedural formalities.



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6. According to the petitioners, unless the delay is condoned, they would suffer hardship, whereas no prejudice would be caused to the respondent.

7. Normally, the Court adopts a liberal approach while considering petitions for condonation of delay. At the same time, in order to extend such a liberal approach, there must be justifiable reasons. In the present case, the affidavit filed in support of the petition seeking condonation of such a huge delay is bereft of sufficient and satisfactory particulars explaining the inordinate delay. In the absence of any acceptable explanation, condonation of such delay cannot be sought as a matter of right.

8. In this regard, it is useful to refer to the judgment of the Division Bench of this Court in *State of Tamil Nadu and Others vs. Melvisharam Muslim Educational Society* reported in *2018 (3) CTC 420*, wherein it has been held as follows:

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“...Though the delay is condoned by the Court normally in a liberal manner, the said approach cannot be extended mechanically without any plausible explanation. What is pitted against an ordinary litigant is also pitted against the Government before a Court of law to establish a particular fact. Though the words ‘sufficient cause’ have to be given a liberal interpretation, to exercise discretion for such liberal approach, there must be necessary facts in the affidavit filed in support of the same. But, on a perusal of the affidavit, we do not find any plausible explanation for such delay except stating that there is an administrative delay. Such vague and bald explanation cannot be accepted mechanically. When Courts are extending such liberal approach mechanically, it has become a routine affairs of the Government Departments to file the appeals against every order passed by the Court. The present day scenario in filing the appeal, challenging every order by the Government Departments, clearly exhibits shirking responsibility of the Department Heads. In fact, now the tendency has developed among the Department Heads, not to take any risk and to avoid any question relate to the litigant and only in order to avoid any query, the administrative side files these types of appeals, though there is no merit in the appeal.”



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9. When the law mandates that a particular act shall be performed within a stipulated time, the same cannot be diluted. What applies to a common litigant equally applies to the Government. The authorities cannot sit over the files and approach this Court belatedly with flimsy reasons. A Court, while granting indulgence, must be satisfied that there was due diligence on the part of the appellants. In the absence of sufficient cause, delay cannot be condoned as a matter of right.

10. While exercising discretion in such petitions, the Court has to consider the conduct, behaviour, and attitude of the party with respect to its inaction or negligence. These factors are relevant, as the Court is required to balance the interests of both parties. The principle of liberal approach cannot be extended to the extent of condoning inordinate delay caused due to a nonchalant attitude. Such tendency must be curbed at the threshold.

11. Further, the Writ Appeal has been filed challenging the order



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passed by the learned Single Judge in W.P.(MD) No.7253 of 2020, dated 19.04.2023, wherein the learned Single Judge, upon considering the facts and circumstances of the case, granted relief in favour of the writ petitioner. On a prima facie consideration, we do not find any substantial ground warranting interference with the said order. Thus, even on merits, the petitioners/appellants have not made out a case.

12.Accordingly, this Civil Miscellaneous Petition is dismissed. Consequently, the connected W.A.(MD) SR No.14263 of 2026 is rejected at the SR stage itself. No costs.

[N.S.K.,J.] [M.J.R.,J.]
23.03.2026

NCC : Yes / No
Index : Yes / No
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