

ITEM NO.4

COURT NO.13

SECTION XII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

PETITION FOR SPECIAL LEAVE TO APPEAL (C) NO. 4337/2025

[Arising out of impugned final judgment and order dated 24-01-2025 in MPMD No. 1/2012 in Rev. Aplc.(MD) No.SR 24771 of 2012 in S.A(MD) No.417 of 2006 passed by the High Court of Judicature at Madras at Madurai]

VINOD GANDHI

PETITIONER(S)

VERSUS

THE DISTRICT COLLECTOR, MADURAI & ORS.

RESPONDENT(S)

(IA No. 34339/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 34342/2025 - EXEMPTION FROM FILING O.T., IA No. 34651/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 37275/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 22-01-2026 This matter was called for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) :

Mr. Shyam Divan, Sr. Adv.
Mr. Shoeb Alam, Sr. Adv.
Mr. Sivagnanam K, Adv.
Mr. M G Aravind Raj, Adv.
Ms. Charita Singh, Adv.
Mr. Sahil Bhalaik, AOR
Mr. Rongon Choudhary, Adv.
Mr. Shaurya Ranjan Rai, Adv.
Mr. Tushar Giri, Adv.
Mr. Siddharth Anil Khanna, Adv.
Mr. Ritik Arora, Adv.
Mr. Shivam Mishra, Adv.

For Respondent(s) :

Mr. Sabarish Subramanian, AOR

O R D E R

Heard learned senior counsel for the petitioner and learned counsel for the respondent no.1-District Collector, Madurai.

2. The petitioner is aggrieved by the condonation of delay by the High Court *vide* the impugned order with regard to filing of the review petition by the respondent no.1 against the order of the High Court dated 24.08.2007 in S.A.(MD) No. 417 of 2006.

3. Learned Senior Counsel for the petitioner submitted that the land in question was settled with the predecessor-in-interest of the petitioner's vendor in the year 1950 and was dealt with in various ways. However, in 2008 when *Patta* was denied in favour of the predecessor-in-interest of the vendor, they moved in Writ Petition before the High Court, in which, a direction was issued to issue a *patta* in the year 2008. The same being complied with, third party rights were also created. However, with regard to the issuance of *Patta*, a suit was filed for declaration of title and permanent injunction by the predecessor-in-interest, vendor of the petitioner, which was decreed in favour of petitioner's vendor by the Trial Court upon contest.

The First Appeal and the Second Appeal before the High Court were dismissed. However, the respondent no.1 filed a review petition, initially within time, but the same was somehow not taken up by the High Court and the records also could not be traced and fresh review petition was filed on 31.08.2012 along with an application for condonation of delay. The same also could not be taken up and finally, *vide* the impugned order, the delay has been condoned. Learned Senior Counsel contended that the order of the High Court is absolutely without any application of mind, as delay being of almost 17 years altogether, there was absolutely no case made out, especially when concurrently three Courts have held in favour of the petitioner/ predecessor-in-interest of his vendors.

4. Learned Senior Counsel further contended that the third party rights having been created and there being no objection from any private person, and also, the State not having the records with regard to the settlement made originally in the year 1950, the matter needs to be finally given a quietus and the Court may set aside the impugned order condoning the delay. Learned Senior Counsel summed up his arguments by submitting that in the review petition, the petitioner was not made a party and therefore, he could not contest

at the time of hearing of the petition for condonation of delay, which has caused serious prejudice to his rights as his vendors having no interest could not be expected to defend it in the manner required, which only a party who is actually affected, being the petitioner herein, as right to do so inhered in him.

5. Learned counsel for the respondent no.1 submitted that the land in the records of the State was never settled in favour of the original person in the year 1950, as no records are available. However, it was contended that there were subsequent revenue entries to show the entry of the names of the predecessor-in-interest of the vendor of the petitioner. It was contended that because the matter could not be dealt with in the manner it was required, and the land being State land, that too, a water body, it is in the general interest of the State and the public that one opportunity be given to finally thrash out the issue.

6. Having considered the matter from various angles, we find that the issue is required to be gone into on merits. Though, learned Senior Counsel for the petitioner is correct that there is inordinate and unexplained delay and the impugned order does not go into the merits of the delay, but we feel that delay and condonation thereof is a matter on which there cannot be

too much of an explanation or justification given the fact that the dates are not in dispute with regard to the sequence of events and only a pragmatic view is to be taken by the Court as to whether in the facts and circumstances of the case and the consequences it would ultimately have on the *lis* concerned, such condonation is required. Moreover, it is trite law that the interest of State cannot suffer for the acts of omission/commission of its officers. In the present case there is a categorical stand taken by the then Collector of the District that the matter was not properly handled and did not come to the notice of the authorities concerned to pursue it.

7. Be that as it may, we are not inclined to go into the finer details with regard to the sequence of events. Accordingly, taking a holistic and overall view in the matter, the petition stands disposed of without interfering in the order impugned with an observation that in the review petition, the petitioner shall also be made a party and shall be heard on merits by the High Court. As the matter is old, we request the High Court to conclude the hearing within six months from today.

8. The Registry shall communicate this order to the Registrar General of the High Court of Madras to place it before the Hon'ble Chief Justice of the High Court of

Madras to list the matter before an appropriate Bench for hearing the main review petition, which would be done after making the petitioner a party and giving full opportunity of hearing to all the parties concerned.

9. Pending application(s), if any, shall stand disposed of.

(POOJA SHARMA)
AR-CUM-PS

(ANJALI PANWAR)
ASSISTANT REGISTRAR