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C.M.P.Nos.17783 & 17784 of 2024 in
WA.SR.Nos.106444 & 105450 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2026

CORAM:

THE HONOURABLE Mr. JUSTICE R. SURESH KUMAR

AND

THE HONOURABLE Mr. JUSTICE SHAMIM AHMED

**WA.SR.Nos.105450 & 106444 of 2024
&
C.M.P.Nos.17783 & 17784 of 2024**

W.A.SR.No.105450 of 2024

1. The District Collector,
Thiruvallur District,
Thiruvallur 602 001.
2. The District Revenue Officer,
Thiruvallur District,
Thiruvallur 602 001.
3. The Special Tahsildar,
(Land Acquisition),
Thiruvotriyur Taluk,
Thiruvotriyur, Thiruvallur District,
Chennai 600 019.
4. The Tahsildar,
Madhavaram Taluk,
Madhavaram, Thiruvallur District.

... Petitioners/Appellants

Vs.

P.Rajasekaran

... Respondent/Respondent



C.M.P.Nos.17783 & 17784 of 2024 in
WA.SR.Nos.106444 &105450 of 2024

W.A.SR.No.10644 of 2024

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1. The District Collector,
Thiruvallur District,
Thiruvallur 602 001.
2. The District Revenue Officer,
Thiruvallur District,
Thiruvallur 602 001.
3. The Special Tahsildar,
(Land Acquisition),
Thiruvotriyur Taluk,
Thiruvotriyur, Thiruvallur District,
Chennai 600 019.
4. The Tahsildar,
Madhavaram Taluk,
Madhavaram, Thiruvallur District.

...Petitioners/Appellants

Vs

P. Manoharan

... Respondent/Respondent

Prayer in WA.SR.No.105450 of 2024:

Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 26.10.2021 made in W.P.No.13803 of 2018 and allow this Writ Appeal

Prayer in CMP.No.17784 of 2024:

Civil Miscellaneous Petition filed to condone the delay of 972 days in filing the above Writ Appeal against the order dated 26.10.2021 made in W.P.No.13803 of 2018.

Prayer in WA.SR.No.106444 of 2024:

Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 26.10.2021 made in W.P.No.13397 of 2018 and allow this Writ Appeal



C.M.P.Nos.17783 & 17784 of 2024 in
WA.SR.Nos.106444 &105450 of 2024

Prayer in CMP.No.17783 of 2024:

Civil Miscellaneous Petition filed to condone the delay of 972 days in filing the above Writ Appeal against the order dated 26.10.2021 made in W.P.No.13803 of 2018.

For Petitioners in : Mr. E.Veda Bagath Singh
both Appeals Spl. Govt. Pleader

For Respondents in : Mr. S.L. Sudarsanam
both Appeals

COMMON JUDGMENT

(Order of the Court was made by SHAMIM AHMED, J.)

These intra court appeals have been directed against the judgment and order passed by the Writ Court dated 26.10.2021 made in W.P.Nos.13803 and 13397 of 2018.

2. The present Civil Miscellaneous Petitions under section 5 of the Limitation Act, 1963 are filed by the petitioners/Appellants to condone the delay of 972 days in filing the above Writ Appeals against the judgment and Order dated 26.10.2021 passed by the learned Single Judge in W.P.Nos.13803 and 13397 of 2018.

3. Since both the Writ Appeals arisen out of common Judgment and Order passed by the learned Single Judge, both the appeals and Civil

3/21



C.M.P.Nos.17783 & 17784 of 2024 in
WA.SR.Nos.106444 &105450 of 2024

Miscellaneous Petitions are disposed of by a common order.

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4. Before the Writ Court, the respondents herein have filed writ petitions against the petitioners herein seeking for issuance of Writ of Certiorarified Mandamus to quash the order passed by the 2nd respondent dated 16.02.2018 made in Na.Ka.13835/2017/F1 rejecting their claim for granting compensation in respect of their lands acquired by the Government and consequentially direct the respondents therein to consider their representation dated 10.07.2017 and to immediately settle compensation for thier property acquired by the Government/appellants herein.

5. The facts of the case leading to filing of the present Writ Appeals as per the appellants are as follows:

(a) The writ petitioner in W.P.No.13803 of 2018 viz., Rajasekaran is the absolute owner of the property comprised in S.No.143/2, T.S.No.2, New T.S.No.2/2 measuring an extent of 2300.0 square meter, situated in Ward C, Block No.5, Ennore Village, Thiruvottriyur Taluk, Thiruvallur District, bearing No.27/143/2, M.R.L. Road, Ennore, Chennnai – 57 and he purchased the larger extent of lands from one Mr.Balaraman through a registered sale deed under Doc.No.3490/1982.



C.M.P.Nos.17783 & 17784 of 2024 in
WA.SR.Nos.106444 &105450 of 2024

WEB COPY

(b) The Writ Petitioner in W.P.No.13397 of 2018 viz., P.Manoharan is the absolute owner of the property comprised in S.No.143/2, T.S.No.30/1, New T.S.No.30/2, measuring an extent of 2300.0 square meter situated in Ward C, Block No.5, Ennore Village, Thiruvottriyur Taluk, Thiruvallur District, bearing No.27/143/2, M.R.L. Road, Ennore, Chennai 600 057 and he purchased the larger extent of lands from one Mr.Balaraman through a registered sale deed under Doc.No.3490/1982.

(c) Since the date of purchase of the properties, they have been in absolute possession and enjoyment of the same. After purchase of said lands, mutation of records were done in their names and Town Survey Field Extract (TSLR) dated 31.07.2015 reflects their names in C.A.259 of 85 and C.A.No.260/85.

(d) On the strength of mutation of records, they have also obtained planning permission from CMDA authorities, pursuant to which, they have also put up construction on their lands.

(e) Whiles, for the purpose of construction of Over Bridge, the Government of Tamilnadu had acquired the portion of the writ petitioner/Rajasekaran's lands comprised in S.No.2/2 Part, (New No.27, Old no.143/2 part measuring an extent of 240 square meters and portion of the writ petitioner/Manoharan's lands comprised in S.No.30/1 part (New



C.M.P.Nos.17783 & 17784 of 2024 in
WA.SR.Nos.106444 &105450 of 2024

No.30/2, Old No.143/2 Part measuring 170 square meters together with super structure thereon. After award enquiry, compensation for both the lands belonging to the writ petitioners were fixed and accordingly, the compensation amount was arrived at Rs.28,83,361/- and Rs.22,62,163/- respectively for both the writ petitioners. The value was fixed by the 2nd respondent based on the documents produced by the writ petitioners. Pursuant to that, relevant proceedings for the land acquisitions were carried out and the writ petitioners have also submitted all the relevant documents.

(f). It is the grievance of the writ petitioners that even after submissions of all the relevant documents, the appellants/respondents failed to settle their legitimate claim over the acquisition of land and building. They were paid compensation insofar as their superstructures put up by them alone and they were denied compensation for the lands for the reason that the said lands acquired by the Government were categorised as 'Anaadeenam' and hence the compensation in respect of their lands were deposited under the Revenue Deposit.

(g) Thereafter, the petitioners made representation to the Government to pay compensation for their lands for the reason that they have purchased their respective lands in the year 1982 and after getting due approval from CMDA authorities, they put up constructions in their



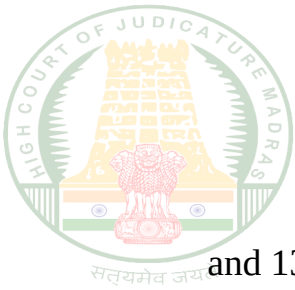
C.M.P.Nos.17783 & 17784 of 2024 in
WA.SR.Nos.106444 &105450 of 2024

respective properties, however, the Government has not come forward to settle their legitimate claim over the acquisition of land and building, hence, the petitioners have filed W.P.Nos.24862 & 24863 of 2017 to consider their representation.

(h) In the said writ petitions, the Writ Court by its judgment and order dated 18.09.2017, issued a direction to the Government to consider the petitioners' representation dated 10.07.2017 and pass orders in accordance with law. Accordingly, as per the directions of the court, the writ petitioners gave their representations with all relevant records before the Government. However, the District Revenue Officer/2nd respondent vide his proceedings, which is impugned in the writ petitions, rejected their claim for the reason that the subject lands were classified as Annadeenam and hence the writ petitioners are not entitled for compensation for the lands acquired for construction of Over Bridge.

(i) Challenging the order of rejection of claim of the writ petitioners seeking compensation for their lands, W.P.Nos.13397 and 13803 of 2018 were filed by them.

(j) The learned Single Judge, vide Judgment and Order dated 26.10.2021 allowed the writ petitions filed by the respondents/writ petitioners. The operative portion of the order passed in W.P.Nos.13397



C.M.P.Nos.17783 & 17784 of 2024 in
WA.SR.Nos.106444 &105450 of 2024

and 13803 of 2018 is extracted hereunder:

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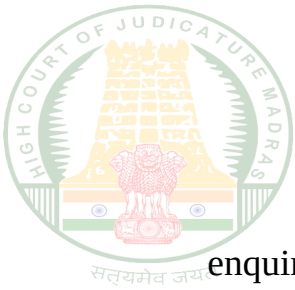
‘ 9. In view of the above, the impugned order cannot be sustained as against the petitioners and the writ petitions are liable to be set aside. Accordingly, the impugned order passed by the second respondent, made in Na.Ka.13835/2017/F1, dated 16.02.2018 is hereby set aside.

10. The second respondent is directed to disburse the compensation in respect of their subject lands comprised in Survey No.143/2, T.S.No.30/1, New T.S.No.30/2, measuring an extent of 2300.0 square meter, situated in Ward ‘C’, Block No.5, Ennore Village, Thiruvottriyur Taluk, Thiruvallur District, bearing No.27/143/2, M.R.L. Road, Ennore, Chennai 600 057 and the property comprised in Survey No.143/2, T.S.No.2, New T.S.No.2/2, measuring an extent of 2300.0 square meter situated in Ward ‘C’, Block No.5, Ennore Village, Thiruvottriyur Taluk, Thiruvallur District, bearing No.27/143/2, M.R.L. Road, Ennore, Chennai 600 057 respectively to the petitioners, within a period of four weeks from the date of receipt of a copy of this order.’

11. In the result, these writ petitions are allowed. Consequently connected Miscellaneous Petitions are closed. There shall be no order as to costs.”

(k) Challenging the Judgment and Order dated 26.10.2021 passed in W.P.Nos. 13803 and 13397 of 2018, the instant Writ Appeals are sought to be filed by the appellants/State Government on the ground that in A Register, the lands stood classified as ‘Anadheenam’ and despite the above classification, the revenue officials without any proceedings entered the name of the Vendors of writ petitioners and had created rights for the writ petitioners to claim compensation for the lands, therefore, necessary

8/21



C.M.P.Nos.17783 & 17784 of 2024 in
WA.SR.Nos.106444 &105450 of 2024

enquiry has to be conducted to ascertain as to how the names of the writ petitioners were entered and action to be taken in this regard and hence the writ petitioners are not entitled to get compensation for their lands as claimed by them.

(l) Along with the instant Writ Appeals, the appellants/Government has filed present Civil Miscellaneous Petitions in C.M.P.Nos.17783 and 17784 of 2024 under section 5 of the Limitation Act, 1963 seeking to condone the delay of 972 days in preferring the above Appeals.

6. Learned Special Govt. Pleader appearing for the petitioners/appellants in support of the above Miscellaneous Petitions submits that the appellants have got a good case on merits. He further submitted that the certified copies of the order passed in writ petitions were received by the office of the 3rd petitioner/appellant on 03.01.2022 and due to COVID 2019 pandemic situation and transfer of officials, the petitioners/appellants herein could not file the above appeals within prescribed time. Therefore, the delay in filing the appeals is neither wilful nor wanton, but due to the bonafide reasons as stated above. Hence, he prayed for condoning the delay of 972 days in filing the writ appeals.



C.M.P.Nos.17783 & 17784 of 2024 in
WA.SR.Nos.106444 &105450 of 2024

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7. Refuting the same, by filing counter affidavit, the learned counsel for the respondents/writ petitioners submitted that the reasons stated by the petitioners that the huge delay of 972 days in filing the writ appeals has happened due to Covid 19 pandemic situation and transfer of officials is not true, especially when Covid 19 pandemic was over before 2022. It is settled law that the reason for each and every single day of delay should be explained in detail with materials. The petitioners have failed to provide any contemporaneous records, office orders, transfer orders, communications or any evidence to show that for each period they were prevented from taking effective steps to prefer the appeal.

8. He further submitted that once the petitioners/appellants have decided to seek legal recourse through the Government Advocate, there was no legal or factual impediment to immediately institute the present appeal or at the very least to file an interlocutory application for condonation of delay at the earliest opportunity. The petitioners have consciously delayed and preferred the appeal only after considerable lapse of time and no reason for such delay is made out in the affidavit filed by the petitioners and the same demonstrates that the delay was not due to their inability but was a deliberate choice or negligent inaction on the part of the

10/21



C.M.P.Nos.17783 & 17784 of 2024 in
WA.SR.Nos.106444 &105450 of 2024

petitioners/Appellants and sufficient cause was not shown in the
Miscellaneous Petitions.

9.It was further submitted by the learned counsel for the respondents/writ petitioners that though the certified copy of the Writ Court order was received by the petitioners/appellants on 03.01.2022, so far, no order of compliance was passed by the petitioners/appellants within the time granted by the Writ Court and only much later, on 23.09.2022, a notice was issued to the respondents calling for an enquiry which was duly attended by the respondents/writ petitioners on 07.10.2022. However, even after conducting enquiry, no order was passed by the petitioners/appellants and after a long time period of delay, the present appeals were preferred by the petitioners/appellants.

10. It is his further contention that the respondents are senior citizens in the age of 70's and have been pursuing the matters diligently for several years. The continued withholding of compensation deprives them of the fruits of a lawful order and prolongs the hardship inflicted upon them. Hence, he prayed for dismissal of the condone delay petitions.



C.M.P.Nos.17783 & 17784 of 2024 in
WA.SR.Nos.106444 &105450 of 2024

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11. We have given our careful and anxious consideration to the contentions put forward by the learned counsel on either side and also perused the entire materials available on record

12. The matter comes up for consideration of Civil Miscellaneous Petitions filed under Section 5 of the Limitation Act with a prayer for condoning the delay of 972 days in filing the Writ Appeals.

13. 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, the Civil Miscellaneous Petitions have been filed with a delay of 972 days. However, under Section 5 of the Limitation Act, 1963, the Court is empowered to condone the delay if the Petitioners are able to demonstrate "sufficient cause" for not preferring the Appeals within the prescribed limitation period. The explanation offered must be reasonable, bona fide, and not indicative of negligence or inaction .

14. As per the averments made in the Petitions filed u/s.5 of the Limitation Act, the grounds taken by the Petitioner for condoning the delay is that the certified copies of the order was received by the office of

12/21

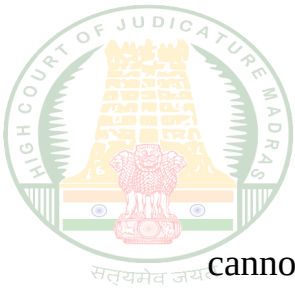


C.M.P.Nos.17783 & 17784 of 2024 in
WA.SR.Nos.106444 &105450 of 2024

the 3rd appellant/petitioner on 03.01.2022 and due to COVID 2019, pandemic situation and transfer of officials, the appellants/petitioners could not file the appeals in prescribed time, resulting in a delay of 972 days.

15. After perusal of the records, this Court finds that there is neither a satisfactory explanation for the inordinate delay of 972 days in filing the present Civil Miscellaneous Petitions, nor are there any documents annexed in support of the averments made in the affidavit seeking condonation of delay. Hence, the petitions are time-barred and cannot be sustained on the ground of laches.

16. 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/appeal may be condoned in the interest of justice where no gross negligence or deliberate inaction or lack of bonafide 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



C.M.P.Nos.17783 & 17784 of 2024 in
WA.SR.Nos.106444 & 105450 of 2024

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.

17. In the case of **P.K. Ramachandran Vs. State of Kerala**, reported in **AIR 1998 SC 2276**, the Honourable Supreme Court was pleased to observe as under:

“Law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribe and the Courts have no power to extend the period of limitation on equitable grounds.”

18. The Rules of limitation are not meant to destroy rights of parties. They virtually take away the remedy. They are meant with the objective that parties should not resort to dilatory tactics and sleep over their rights. They must seek remedy promptly. The object of providing a legal remedy is to repair the damage caused by reason of legal injury. The statute relating to limitation determines a life span for such legal remedy for redress of the legal injury, one has suffered. Time is precious and the wasted time would never revisit. During efflux of time, newer causes would come up, necessitating newer persons to seek legal remedy by approaching the Courts. So a life span must be fixed for each remedy. Unending period for

14/21



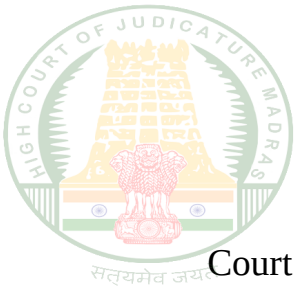
C.M.P.Nos.17783 & 17784 of 2024 in
WA.SR.Nos.106444 &105450 of 2024

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launching the remedy may lead to unending uncertainty and consequential anarchy. The statute providing limitation is founded on public policy. It is enshrined in the maxim *Interest reipublicae up sit finis litium* (it is for the general welfare that a period be put to litigation). It is for this reason that when an action becomes barred by time, the Court should be slow to ignore delay for the reason that once limitation expires, other party matures his rights on the subject with attainment of finality. Though it cannot be doubted that refusal to condone delay would result in foreclosing the suiter from putting forth his cause but simultaneously the party on the other hand is also entitled to sit and feel carefree after a particular length of time, getting relieved from persistent and continued litigation.

19. There is no presumption that delay in approaching the Court is always deliberate. No person gains from deliberate delaying a matter by not resorting to take appropriate legal remedy within time but then the words “sufficient cause” show that delay, if any, occurred, should not be deliberate, negligent and due to casual approach of concerned litigant, but, it should be bona fide, and, for the reasons beyond his control, and, in any case should not lack bona fide. If the explanation does not smack of lack of bona fide, the Court should show due consideration to the suiter, but, when there is apparent casual approach on the part of suiter, the approach of

15/21



C.M.P.Nos.17783 & 17784 of 2024 in
WA.SR.Nos.106444 &105450 of 2024

Court is also bound to change. Lapse on the part of litigant in approaching Court within time is understandable but a total inaction for long period of delay without any explanation whatsoever and that too in absence of showing any sincere attempt on the part of suiter, would add to his negligence, and would be relevant factor going against him.

20. We need not to burden this judgment with a catena of decisions explaining and laying down as to what should be the approach of Court on construing “sufficient cause” and it would be suffice to refer a very few of them besides those already referred.

21. In the case of **Shakuntala Devi Jain Vs. Kuntal Kumari, reported, AIR 1969 SC 575**, a three Judge Bench of the Court said that unless want of bona fide of such inaction or negligence as would deprive a party of the protection, the application must not be thrown out or any delay cannot be refused to be condoned.

22. The **Privy Council, in the case of Brij Indar Singh Vs. Kanshi Ram reported in ILR (1918) 45 Cal 94**, observed that true guide for a court to exercise the discretion is whether the appellants acted with reasonable diligence in prosecuting the appeals. This principle still holds



C.M.P.Nos.17783 & 17784 of 2024 in
WA.SR.Nos.106444 &105450 of 2024

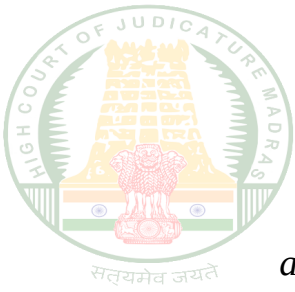
good inasmuch as the aforesaid decision of Privy Council as repeatedly been referred to, and, recently in **State of Nagaland Vs. Lipok AO and others, AIR 2005 SC 2191.**

23. In the case of **Vedabai @ Vijayanatabai Baburao Vs. Shantaram Baburao Patil and others, reported in JT 2001 (5) SC 608,** the Court said that under Section 5 of the Act, 1963, it should adopt a pragmatic approach. A distinction must be made between a case where the delay is inordinate and a case where the delay is of a few days. In the former case consideration of prejudice to the other side will be a relevant factor so the case calls for a more cautious approach but in the latter case no such consideration may arise and such a case deserves a liberal approach. No hard and fast rule can be laid down in this regard and the basic guiding factor is advancement of substantial justice.

24. In the case of **Pundlik Jalam Patil (dead) by LRS. Vs. Executive Engineer, Jalgaon Medium Project and Another, reported in (2008) 17 SCC 448,** in para 17 of the judgment, the Court said :-

“...The evidence on record suggests neglect of its own right for long time in preferring appeals. The court cannot enquire into belated and state claims on the ground of equity. Delay defeats equity. The court helps those who are vigilant

17/21



C.M.P.Nos.17783 & 17784 of 2024 in
WA.SR.Nos.106444 &105450 of 2024

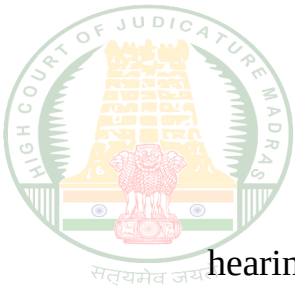
and “do not slumber over their rights.”

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25. In the case of **Maniben Devraj Shah Vs. Municipal Corporation of Brihan Mumbai**, reported in **2012 (5) SCC 157**, in para 18 of the judgment, the Court said as under:-

“What needs to be emphasized is that even though a liberal and justice oriented approach is required to be adopted in the exercise of power under Section 5 of the Limitation Act and other similar statutes, the Courts can neither become oblivious of the fact that the successful litigant has acquired certain rights on the basis of the judgment under challenge and a lot of time is consumed at various stages of litigation apart from the cost. What colour the expression “sufficient cause” would get in the factual matrix of a given case would largely depend on bona fide nature of the explanation. If the Court finds that there has been no negligence on the part of the applicant and the cause shown for the delay does not lack bonafides, then it may condone the delay. If, on the other hand, the explanation given by the applicant is found to be concocted or he is thoroughly negligent in prosecuting his cause, then it would be a legitimate exercise of discretion not to condone the delay. In cases involving the State and its agencies/instrumentalities, the Court can take note of the fact that sufficient time is taken in the decision making process but no premium can be given for total lethargy or utter negligence on the part of the officers of the State and / or its agencies/instrumentalities and the applications filed by them for condonation of delay cannot be allowed as a matter of course by accepting the plea that dismissal of the matter on the ground of bar of limitation will cause injury to the public interest.”

26. After taking into consideration the averments made in the Civil Miscellaneous Petitions, under Section 5 of the Limitation Act and after 18/21



C.M.P.Nos.17783 & 17784 of 2024 in
WA.SR.Nos.106444 &105450 of 2024

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 under section 5 of the Limitation Act with a



C.M.P.Nos.17783 & 17784 of 2024 in
WA.SR.Nos.106444 &105450 of 2024

prayer for condoning the delay of 972 days in filing the Writ Appeals is
baseless and the same is hereby dismissed.

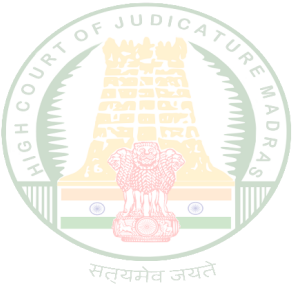
30. In view of the dismissal of Civil Miscellaneous Petitions, the Writ Appeals are dismissed on the ground of delay and laches. There shall be no order as to cost.

31. The appellants are also directed to make compliance of the judgment 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.

[R.S.K., J.] [S.S.A.,J.]
21.01.2026

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C.M.P.Nos.17783 & 17784 of 2024 in
WA.SR.Nos.106444 &105450 of 2024

R. SURESH KUMAR, J.
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msr

C.M.P.Nos.17783 & 17784 of 2024
in
WA.SR.Nos.105450 & 106444 of 2024

21.01.2026

21/21