2026:MHC:4720

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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 19.11.2026
DELIVERED ON : 24.11.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.3010 of 2026
CNR:{HCMA012291102026}
and C.M.P.No.26583 of 2026

Case QR

Kannammal Educational Trust
Rep by its Managing Director,
Lalitha lakshmi,
New No.22, Old No.121,
G.N.Chetty Road,
T.Nagar, Chennai - 600017.

Appellant(s)

Vs

1. The Commissioner
Corporation of Chennai, Rippon Buildings,
Chennai-600 003.

2.The Joint Commissioner
Corporation of Chennai, Rippon Buildings,
Chennai-600 003.

3.The Zonal Officer
Zone VII, Ambattur, Corporation of Chennai,
Chennai-600 053.

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4.The District Revenue Officer
Land and Estate, Corporation of Chennai,
Rippon Buildings, Chennai - 600 003.

5.The Collector
Tiruvallur District, Tiruvallur

6.The Secretary of Government
Municipal Administration and Water Supply
Department, Fort St George,
Chennai - 600 009.

Respondent(s)

PRAYER: Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 16.09.2026 passed by the learned Single Judge in W.M.P.No.34254 of 2026 in Review Application SR No.116370 of 2026.

For Appellant(s): Mr.V.P.Raman
for Mr.M.S.Seshadri

For Respondent(s): Mr.P.V.Balasubramaniam,
Addl Advocate General
Asst by Ms.M.Nithya,
Standing Counsel for R1 to R4

Mr.L.Gokulraj,
Addl Government Pleader
for R5 and R6

JUDGMENT

THE CHIEF JUSTICE

This writ appeal challenges the order dated 16.09.2026 passed by the learned Single Judge in W.M.P.No.34254 of 2026 in Review Application SR.No.116370 of 2026, whereby the learned

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Single Judge condoned a delay of 1,707 days in filing a review application against the order dated 07.10.2021 passed in W.P.No.24916 of 2014.

2.1. The facts in a nutshell are that the appellant Trust owns land measuring 27 cents (1,070 sq. meters) in Old Survey No.384/1, New T.S.No.10G, Mogappair Village, Chennai. The municipal authorities demolished the compound wall of this property and laid a public road over it. The appellant then filed W.P.No.24916 of 2014 seeking compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2.2. On 07.10.2021, a learned Single Judge disposed of W.P.No.24916 of 2014 directing the authorities to measure the land in the presence of the appellant. It was further ordered that if the road fell within the appellant's land, the respondents must pay compensation under the 2013 Act within twelve weeks.

2.3. When the authorities failed to comply with the aforesaid

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order, the appellant filed Contempt Petition No.2606 of 2025. During those proceedings, the officials calculated the compensation at Rs.20,59,71,666.56/- and informed the Court on 09.01.2026 that the proposal was awaiting formal approval from the Government.

2.4. In the interregnum, the respondents filed a Writ Appeal (W.A.SR.No.196371 of 2025) challenging the order dated 07.10.2021, accompanied by C.M.P.No.4315 of 2026 to condone a delay of 1,421 days. By a detailed order dated 20.02.2026, a Division Bench of this Court dismissed the delay condonation petition and rejected the appeal. The Division Bench held that the officials were completely indolent and failed to show any sufficient cause.

2.5. Following the rejection of their appeal, respondents 1 to 4 filed Review Application SR.No.116370 of 2026 before the learned Single Judge to review the same order dated 07.10.2021 passed in W.P.No.24916 of 2014, along with W.M.P.No.34254 of 2026 to condone a delay of 1,707 days. On 16.09.2026, the learned Single Judge allowed W.M.P.No.34254 of 2026 and condoned the delay.

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Aggrieved by this order, the appellant has filed this appeal.

3.1. Mr.V.P.Raman, learned counsel appearing for the appellant, submitted that the impugned order is completely non-speaking. It fails to record or discuss any of the objections raised by the appellant in its counter-affidavit or during oral arguments.

3.2. He argued that the respondents gave the exact same reasons, viz., that the certified copy of the 2021 order was misplaced and that inter-departmental correspondence took place in 2025, in both the earlier writ appeal and the present review application. The Division Bench had already examined these very reasons in the order dated 20.02.2026 and rejected them as unsatisfactory. Therefore, the learned Single Judge could not have accepted the same explanation to condone an even longer delay of 1,707 days.

3.3. Learned counsel further pointed out that internal letters exchanged in 2025, after the limitation period had long expired, cannot justify the four-year inaction from 2021 onwards. He

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contended that the review application is merely a tactic to stall the contempt proceedings and avoid paying the agreed compensation.

4.1. Per contra, learned Additional Advocate General appearing on behalf of respondents 1 to 4 supported the impugned order. He submitted that the earlier writ appeal was dismissed solely at the threshold on the ground of delay, and the Division Bench never examined the merits of the case. Thus, the dismissal of the appeal does not bar a review application.

4.2. He contended that the review application rests on the discovery of new and vital evidence. During a joint verification in late 2025, the authorities discovered that Old Survey No.384 had already been acquired by the Government in 1975–1978 and transferred to the Tamil Nadu Housing Board. The Housing Board subsequently gifted the lands to the municipality in 1987, 2004 and 2005, and, therefore, the appellant's vendor had no valid title to sell the land in 1990. Moreover, the patta relied upon by the appellant actually stood in the name of a third party, and the original file is missing.

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4.3. Learned counsel argued that these new facts could not be placed before the Court in 2021 despite due diligence. Since the dispute involves over Rs.20.59 crores of public funds, the learned Single Judge rightly condoned the delay so the matter could be decided on its merits.

5. We have carefully considered the rival submissions and perused the records.

6. A perusal of the impugned order dated 16.09.2026 shows that it is a cryptic, three-line order. Apart from stating that the Court was satisfied with the reasons in the affidavit, it offers no reasoning whatsoever. It does not refer to the appellant's counter-affidavit, nor does it address the binding order passed by the Division Bench on 20.02.2026. On the ground of being a non-speaking order alone, the impugned order is unsustainable.

7. More importantly, there is a fundamental legal bar to condoning this delay. Against the original order dated 07.10.2021

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passed in W.P.No.24916 of 2014, the respondents had already filed a Writ Appeal (W.A.SR.No.196371 of 2025) along with C.M.P.No.4315 of 2026 seeking to condone a delay of 1,421 days. On 20.02.2026, a Division Bench of this Court dismissed that application. The Division Bench firmly held that no sufficient cause was shown and noted that the officials had been completely indolent. Crucially, while rejecting the appeal, the Division Bench did not grant any liberty to the respondents to file a review application.

8. After the rejection of the writ appeal, the respondents approached the learned Single Judge with a review application against the same order dated 07.10.2021, seeking to condone a delay of 1,707 days. It is obvious that the initial period of 1,421 days, which the Division Bench refused to condone, forms the core part of this 1,707 days delay.

9. Even more strikingly, a comparison of the records reveals that the exact same explanation was copied verbatim. The reason for the delay extracted in paragraph (1) of the order dated

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20.02.2026 of the Division Bench is the very same paragraph reproduced almost word-for-word in paragraph 28 of the affidavit filed in support of W.M.P.No.34254 of 2026, merely changing the number of days from 1,421 to 1,707. An excuse that was squarely rejected by a Division Bench as showing no sufficient cause could not have found favour with the learned Single Judge to condone the delay in filing the review application.

10. When a Division Bench of this Court has already adjudicated upon the delay of 1,421 days and held that the respondents had no valid excuse for their inaction during that period, that finding has become final. Insofar as that 1,421-day period is concerned, the principle of *res judicata* squarely applies.

11. Once the Division Bench refused to condone the delay of 1,421 days and rejected the writ appeal without granting liberty to seek a review, the learned Single Judge ought not to have reopened the issue. A Single Judge cannot sit in judgment over a finding recorded by a Division Bench and hold that the very same period of delay stands satisfactorily explained. Allowing a review application

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after the appellate court has rejected the challenge on the ground of delay undermines judicial discipline and finality.

12. For the aforegiven reasons, we hold that the learned Single Judge erred in condoning the delay of 1,707 days.

13. In the result, the writ appeal is allowed. The impugned order dated 16.09.2026 passed in W.M.P.No.34254 of 2026 in Review Application SR.No.116370 of 2026 is set aside. Consequently, W.M.P.No.34254 of 2026 stands dismissed and Review Application SR.No.116370 of 2026 is rejected.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
24.11.2026

Index : Yes
Neutral Citation : Yes
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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(sasi)

W.A.No.3010 of 2026

24.11.2026

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