

Thulasi Vs. the Secretary

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Court : Kerala

Decided On : Dec-20-2012

Judge : Honourable Mr.Justice K.Surendra Mohan

Appellant : Thulasi

Respondent : The Secretary

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN THURSDAY, THE 20TH DAY OF DECEMBER 2012 29TH AGRAHAYANA 193 WP(C).No. 30655 of 2012 (F) ----- PETITIONER: ----- THULASI, AGED 7 YEARS, D/O. CHELLAMMA, MANI NIVAS, VP 1 UA-74, SAMUDRA BEACH, KOVALAM.P.O., THIRUVANANTHAPURAM. BY ADV. SMT.KEERTHI SOLOMON RESPONDENT: ----- THE SECRETARY CORPORATION OF THIRUVANANTHAPURAM, VIKAS BHAVAN P.O., THIRUVANANTHAPURAM-695 033. BY ADV.MR.P.K.MANOJ KUMAR, S.C. THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20-12-2012, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: W.P.(C) 30655/12 APPENDIX PETITIONER'S EXTS.: EXT.P1: TRUE COPY OF THE REJECTION NOTICE ISSUED BY THE TWON PLANNING OFFICE, THIRUVANANTHAPURAM CORPORATION, DATED 18 9.2012. EXT.P2: TRUE COPY OF THE APPEAL DATED 27 11.2012. EXT.P3: TRUE COPY OF THE DELAY CONDONATION PETITION DATED 27 11.2012. EXT.P4: TRUE COPIES OF THE ORDER DATED

28 11.2012 IN I.A.NO.1892/2012 IN UNNUMBERED APPEAL OF 2012.BY THE HONOURABLE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS. EXT.P5: TRUE COPY OF THE ORDER DATED 28 11.2012 IN UNNUMBERED APPEAL OF 2012.BY THE HONOURABLE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS. srd K.SURENDRA MOHAN, J.

----- W.P.(C) No.30655 of 2012
----- Dated this the 20th day of December, 2012

JUDGMENT

The petitioner has filed this writ petition aggrieved by Exts.P4 and P5 orders, by which an appeal and a petition for condonation of delay filed by the petitioner has been rejected by the Tribunal for Local Self Government Institutions, Thiruvananthapuram (hereinafter refers to as 'the Tribunal' for short). As per Ext.P4, the application for condonation of delay submitted by the petitioner has been dismissed for the reason that the petitioner has sought for condonation of a delay of 39 days, when Rule 8(3) of the Tribunal for the Kerala Local Self Government Institutions Rules, 1999 ('the Rules' for short) permits condonation of delay of only 30 days. Since the petition for condonation of delay has been dismissed, the appeal has also been dismissed by Ext.P5. W.P.(C)No.30655 of 2012 :

2. :

2. According to the counsel for the petitioner, the delay is not willful and requires to be condoned. The counsel seeks for a consideration of the petitioner's case on the merits.

3. Rule 8(3) of the Rules reads as follows:- (3) Petitions under sub-rules (1) and (2) shall be in Form 'C' and the same shall be submitted before the Tribunal within thirty days from the date of the notice or order or proceedings against which the petition is filed or within ninety days in cases where decision has not been taken within sixty days of filing appeal before the Local Self Government Institutions: Provided that the Tribunal may admit a petition submitted within one month after the said time limit, if the Tribunal is satisfied that there is sufficient reason for not

submitting the petition within the time limit. A perusal of the above provision shows that the power of the Tribunal for condonation of delay is limited to a period of one month. The time for filing an appeal is 30 days and delay up to a period of one month can be condoned where sufficient cause is shown. Consequently, delay that extends beyond a period of one month cannot be condoned. Therefore, I do not find any infirmity in the W.P.(C)No.30655 of 2012 :

3. : order of the Tribunal, Ext.P4. Exts.P4 and P5 being in accordance with the Rules, do not call for any interference. For the above reasons, this writ petition fails and is accordingly dismissed. Sd/- K.SURENDRA MOHAN, JUDGE kkj

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