

Copy of Lr.No.37579/LO/ 2003-1 Public (Law Officers) Department, Secretariat, Chennai-9,
Dated: 19.11.03 received from Thiru T.Pitchandi I.A.S., Secretary to Government addressed
to All Heads of Departments.

Sub: Writ Petitions-Writ Petitions filed in the Courts-Orders of the Courts against
the interest of the Government-Filing of Appeal- Instructions-Issued-
regarding.

Ref: 1. G.O.M.S.No.934 Public (Estt I) Dept. dated 19.6.1987.

2. From the Government Pleader, High Court, Chennai-104, letter dated:
NIL.

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I am to state that in G.O.MS.934, Public (Estt.I) Department,, dated 19.6,87 instructions
were issued for prompt submission of the proposals for Appeals against the Judgement of the
subordinate Court / High Court, (copy enclosed) .

2. A time-frame has been fixed in each stage to enable the authority to file appeals
against the Judgement in lower/ High Courts. As per these instructions.

- i) The Pleader doing Government work in the ease of Sub -Courts, or the Government
Pleader /Addl Government Pleader/Government Advocate in case of High Court, should
apply for copies of judgement either on the date of judgement itself or on the next working
day without fail. He should obtain copies and forward them with his opinion regarding the
advisability of filing appeals within three days from the date or receipt of the copies of the
judgement and send his letter by Registered post with acknowledgement due.
- ii) Within 7 (seven) days of receipt of the copies of the judgment and opinion of the Law
Officer, the collector should take a decision about the filing of appeals (if he himself is
competent) and forward all the papers to the Government Pleader if there is need for
appeal in respect of the cases in which orders of the Commissioner of Land
Administration or Government are required within the same time limit, the proposals
should be sent to the Commissioner of Land administration of Government. When such
proposals are received by the commissioner of Land Administration or Government,
within 7 (seven) days, they will have to be examined and any decision taken for filing of
further appeal should be communicated to Government Pleader/Additional Government
Pleader / Advocate on Record, New Delhi for filing further appeals.

iii) Immediately on receipt of instructions from the Collector / Commissioner of Land Administration / Government, the Government Pleader / Additional Government Pleader / Advocate on Record should file appeals in the High Court / Supreme Court

3. In spite of the above instructions certain instances have been brought to the notice of the Government in which delay occur in furnishing the para-war remarks, fair affidavit for stay petitions by the respective Collectors and the Land Acquisition officers to the Law Officers-concerned . This resulted in the non-filing of Affidavits and Stay' Petitions 'time - forcing the writ petitioners to file contempt applications against the Government / District Collectors. In some cases, the Hon. Division Benches are also awarding heavy costs against the Government, while ordering condonation of delay.

4. In order to avoid delay in filing appeals, the official concerned should contact the Law Officer concerned in the office of the Government Pleader in person with relevant papers documents, soon after the Judgement is delivered for follow up action.

5. It is desired that the earlier instructions. issued may be followed scrupulously and the officer concerned may be instructed properly and that if any delay is occurred, they have to be held responsible.

6. The receipt of this letter may be acknowledged.

Yours faithfully,
Sd/- VJjayakumar
For Secretary to Government;

GOVERNMENT OF TAMIL NADU

ABSTRACT

SUITS - Civil Suits-Land Acquisition Cases-Appeal against lower court / High Court decision -
Avoidance of delay-fixing time Limit-Instructions issued.

PUBLIC (ESTABLISHMENT.I) DEPARTMENT

G.O.Ms.No.934

Dated: 19th June 1987

Read:

1. From the Special Commissioner and Commissioner of Land Administration, Chepauk, Chennai- 5.Lr.No. D.Dis (J) 49934/85 Dated :29.3.86
2. From the Revenue Department, U.O.Note No.40267/CI/86-4, dated 26.9.86.
3. From the Government Pleader, High Court, Madras letter No.Roc. 11/ D1 / GP-87 opinion dated: 27.1.87.

ORDER:

The Government have been observing that there are delays in preferring appeals against the judgements of the Sub-ordinate courts and High Court in regard to Land acquisition matters. The special Commissioner and Commissioner of Land Administration has also stated that despite issue of instructions regarding the necessity for dealing with eases of appeals against the orders of Lower Courts/High Court, instances of delay in the submission of opinion by the District Collectors and Land acquisition officers, still continue to occur. The Special Commissioner and Commissioner of Land Administration has also stated that delays are also noticed in applying to the Courts for copies of Judgement and before the appeals are actually filed, the Government/Heads of Departments require time to examine the cases as to the viability of the appeals. In order to ensure prompt submission of proposals for filing appeals against the orders of the Lower Court/High Court, the Special Commissioner and Commissioner of Land Administration has suggested the issue of instructions to the Law Officers, Collectors and to all other concerned officials.

2. The Government have examined the matter and after care full consideration pass the following orders:

- i) The Pleader doing Government work in the case of sub - courts or the Government Pleader/ Additional Government Pleader/ Government Advocate in case of High Court, should apply for copies of judgement either on the date of judgement itself or on the next working day without fail. He should obtain copies and forward them with his opinion regarding the advisibility of filing appeals within three days from the date of receipt of the copies of the judgement and send his letter by Registered post with acknowledgement due.

- ii) Within 7 (seven) days of receipt of the copies of the judgement and opinion of the Law officer, the Collector should take a decision about the filing of appeals (if he himself is competent) and forward all the papers to the Government Pleader, if there is need for appeal. In respect of the cases in which orders of the Commissioner of Land Administration or Government are required within the same time limit, the proposals should be sent to the Commissioner of Land Administration or Government. When such proposals are received by the Commissioner of Land Administration or Government, within 7 (seven) days they will have to be examined and any decision taken for filing of further appeal should be communicated to Government Pleader/Additional Government Pleader/Advocate on Record, New Delhi for filing further appeals.
- iii) Immediately on receipt of instructions from the Collector/Commissioner of Land Administration/Government, the Government Pleader/ Additional Government Pleader / Advocate on Record should file appeals in the High Court / Supreme Court.
- iv) A time schedule for processing proposals for appeals against the Judgement of the subordinate Court / High Court is appended to this Government order.

3. The Special Government Pleader and the Additional Government Pleader, High Court, Madras are requested to see that the time limit prescribed above is strictly adhered to.

4. The Departments of Secretariat / the Heads of Departments including Collectors of Districts are also requested to adhere strictly to the time limit, prescribed above.

(By order of the Governor)

Sd/- A.M.SWAMI NATHAN
Commissioner &. Secretary to Government.

To

The Government Pleader, High Court, Madras-104.
The Additional Government pleaders, High Courts, Madras.
The Special Government Pleader, High Court, Madras.
All Government Advocates (Civil side), High Court, Madras-104.
All Secretaries to Government,
All Departments of Secretariat (All Sections)
The Special Commissioner and Commissioner of Land Administration, Madras-5.:
All Heads of Departments including District Collectors.

ANNEXURE

Time Schedule for processing proposals for appeals against the Judgement of the subordinate Court/ High Court.

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| I | Date of Judgement | |
| II | Government' Pleader/ Additional Government Pleader/ Pleader doing Government work to apply for copy of judgement | On the date of judgement Or on the next working day |
| III | Government/ Pleader/ Additional Pleader/ Pleader doing Government work to forward one copy each of the judgement to the Collector or any other officer impleaded as respondent on behalf of the Stale With his opinion in regard to filing of appeal | Within 3 days from, the date of receipt of the Judgement copy |
| IV | The collector to decide about the filing or appeals in which he himself is competent and send the proposals to the Government Pleader for filing in the Court, or send proposals to the Commissioner of Land Administration/ Government in respect of the matters in which he is not competent for taking a decision. | Within 7 days from the date of receipt of opinion from the Law Officers |
| V | Office of the Commissioner of Land. Administration to examine and to take decision on the Collectors proposals and issue instructions to Government Pleader or to send report to Government in case of filing of appeal in Supreme Court | Within 3 days from, the date of receipt of the Proposals. |
| VI | Government to take decide on the proposal received from commissioner of land | Within 3 days from, the date of receipt of the Proposals. |
| VII | Government Pleader/Advocate on Record, New Delhi to file appeals in the High Court/Supreme Court | Immediately on receipt of proposals from the Collector/Commissioner of Land |