



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT APPEAL NO. 404 OF 2025 (SC-ST)

BETWEEN:

1. THE STATE OF KARNATAKA
BY DEPARTMENT OF REVENUE
VIDHANA SOUDHA
BENGALURU 560001
REP BY HCGP, HIGH COURT OF KARNATAKA
BENGALURU 560001
2. THE DIVISIONAL COMMISSIONER
MYSORE DIVISION
MYSURU 570001
3. THE DEPUTY COMMISSIONER
DAKSHINA KANNADA DISTRICT
MANGALORE 574201
4. THE ASSISTANT COMMISSIONER
PUTTUR D K DISTRICT 574201
5. THE TAHASILDAR,
BELTHANGADY,
D.K. DISTRICT-574 214.

...APPELLANTS

(BY SMT. NAMITHA MAHESH B.G, ADDITIONAL GOVT
ADVOCATE.)

Digitally
signed by
AMBIKA H B
Location:
High Court
of Karnataka



AND:

1. SHRI. SHIVANANDA
S/O LINGAPPA NAIKA
AGED ABOUT 52 YEARS
RESIDING AT NELLIPADAVU UJIRE TALUK,
D K DISTRICT 574240
2. SHRI. VENKATESH
S/O LINGAPPA NAIKA
AGED ABOUT 50 YEARS
RESIDING AT NELLIPADAVU UJIRE TALUK,
D K DISTRICT 574240

...RESPONDENTS

(BY SRI. P.P. HEGDE, SENIOR ADVOCATE FOR
SRI. SAMEEKSHA T R.,
ADVOCATE FOR RESPONDENTS 1 & 2)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER
DATED 17.07.2023 PASSED BY THE LEARNED SINGLE JUDGE
IN W.P No.21983 OF 2022 (SC-ST) BY ALLOWING THIS WRIT
APPEAL AND ETC.

THIS APPEAL, COMING ON FOR PRELIMINARY
HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN
AS UNDER:



CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The present appeal has been filed after an inordinate delay of 634 days. The appellants have submitted an application – I.A.No.1/2025 seeking condonation of delay in filing the present appeal. The affidavit accompanying the said application explains that the delay was initially caused by the office of the Advocate General providing its opinion to file an appeal on 12.10.2023 (almost three months after the impugned order was passed). Subsequently, the file was forwarded to the Legal Cell. However, the Government of Karnataka did not grant permission to file an appeal immediately. The decision to permit filing the appeal was taken on 03.06.2024, that is, nearly eight months after the office of the Advocate General had indicated that it was a fit case for filing an appeal.

2. The deponent (Tahsildar) submits that the Government of Karnataka had declared by-elections to the Karnataka Legislative Council on 19.09.2024, due to which the Election Commission had



summoned him for election work. He submits that the elections were concluded on 28.10.2024. However, because of election duty, he could not attend the office of the Advocate General to give instructions for preparing the appeal. However, thereafter, he gave instructions to file the appeal; therefore, the present appeal was filed on 12.03.2025, almost 5 months after the elections to the Karnataka Legislative Council were conducted.

3. There is also no explanation as to the delay from 03.06.2024, which was the date when the Government took a decision to file an appeal, till 19.09.2024, when the by-elections to the Karnataka Legislative Council were declared. In view of the above, we are unable to accept that the appellants have presented any sufficient cause for not filing the appeal within the stipulated time.

4. The Hon'ble Supreme Court in the case of ***Postmaster General and Others v. Living Media India Limited and Others*** : ***2012(3) SCC 563***, has observed as under:

"27. It is not in dispute that the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitation for taking up the matter by way of filing a special leave petition in this Court.



They cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings. In the absence of plausible and acceptable explanation, we are posing a question why the delay is to be condoned mechanically merely because the Government or a wing of the Government is a party before us.

28. Though we are conscious of the fact that in a matter of condonation of delay when there was no gross negligence or deliberate inaction or lack of bona fides, a liberal concession has to be adopted to advance substantial justice, we are of the view that in the facts and circumstances, the Department cannot take advantage of various earlier decisions. The claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody, including the Government.

29. In our view, it is the right time to inform all the government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bona fide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red tape in the process. The government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used



*as an anticipated benefit for the government departments.
The law shelters everyone under the same light and should
not be swirled for the benefit of a few."*

5. In our view, the observations made by the Supreme Court are aptly and clearly applicable to the facts of the present case. The application – I.A.No.1/2025 seeing condonation of delay, is accordingly dismissed.

6. Consequently, the appeal is dismissed as well.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**

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List No.: 1 Sl No.: 15