

**IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA.**

CMP(M) No. 1372 of 2026

Date of decision: 22.09.2026

State of H. P. & Ors.	Versus	...Appellants
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Ram Krishan		...Respondent
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The Hon'ble Mr. Justice G. S. Sandhawalia, Chief Justice.

The Hon'ble Mr. Justice Bipin C. Negi, Judge.

Whether approved for reporting?

For the Appellants: Mr. Sidharth Jalta, Deputy Advocate General.

G. S. Sandhawalia, Chief Justice (Oral)

The present Letters Patent Appeal has been preferred by the State against the judgment passed by the learned Single Judge in ***CWP No. 3852 of 2022***, titled as ***Ram Krishan vs. State of H.P. & Ors.***, dated 12.11.2024, which is barred by 1 year and 128 days. Justification has been made in the application of the condonation of delay in a cursory manner that the certified copy of the judgment was applied on 16.11.2024, which was attested on 18.11.2024 and delivered on 06.12.2024 to the office of learned Advocate General. The same was received in the office of the Executive Engineer, HPPWD Division, Rampur

on 24.12.2024, but inadvertently the case file was misplaced and tagged with some other case and the file remained undealt. Only on reviewing the cases at Divisional level in the month of December, 2025, the file was searched and traced in the month of January, 2026. Resultatly, the appeal was prepared which was then filed on 09.04.2026 and the delay has occurred as such.

2. Firstly, it has to be seen that neither it has been mentioned as to which official has misplaced the file nor any responsibility has been fixed on said official for misplacing the file nor any action was taken when the file was located after a year.

3. The other aspect, which is to be taken into consideration is that in the grounds of appeal, it has been categorically mentioned that the case was contested by filing a detailed reply on the ground that the case was delayed by the land owner and it was barred by laches.

4. We have perused the original writ record and it is to be noticed that the matter came before the learned Single Judge on 14.07.2022, when the notice had been accepted on behalf of the State and time was granted to file a reply. On 28.11.2022, more time had been sought by the

State to file reply and the matter was admitted on 12.04.2023 and eventually decided on 12.11.2024, in absence of any reply.

5. In such circumstances, we are of the considered opinion that no useful purpose would be served by condoning the delay in filing the appeal itself, as now the State cannot even turn around and say that it was not given an opportunity to file reply, having taken the plea that the reply stood filed.

6. It is a settled principle that the State cannot utilise the land as such for a public purpose without paying compensation. It has been specifically pleaded that in similar circumstances one Jawahar Lal had been granted the benefit and it has been mentioned that **Jawahar Lal's case** was also similarly situated. He had also been left out from being granted the compensation for land, which was utilized for construction of road from Rampur to Lalsa. The said judgment was appended alongwith the writ petition and a representation had also been filed by land owners mentioning the said fact. In the said representation, the fact regarding the filing of CWP No. 1510 of 2017 by Jawahar Lal had also been mentioned.

7. Once the State has not even bothered as such to file reply, the negligence is apparent. The negligence has further been compounded apparently on account of the delay in filing the present appeal as the appeal is barred by over one year.

8. Thus, in view of the principle laid down in the judgment of the Apex Court in ***Chief Postmaster General and others versus Living Media India Limited and another (2012) 3 SCC 563***, we are not inclined to condone the delay as it would be travesty of justice to call upon the land owner to defend an appeal, wherein the State even has not bothered to defend the case before the learned Single Judge.

9. Accordingly, the application for condonation of delay is dismissed. Resultantly, the appeal would also meet the same fate.

(G. S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

22nd September, 2026
(sanjeev)