

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.150 of 2025

In
Civil Writ Jurisdiction Case No.16658 of 2021

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1. The State of Bihar through the Principal Secretary, Revenue Department, Government of Bihar, Patna.
 2. The Director -cum- Special Secretary, Land Acquisition, Directorate, Revenue and Land Reforms Department, Government of Bihar, Patna.
 3. The Collector - cum- District Magistrate, Patna.
 4. The District Land Acquisition Officer, Patna.
 5. The Additional District Land Acquisition Officer, Patna.
 6. The Circle Officer, Phulwarisharif, Patna.
 7. The Union of India through the General Manager, East Central Railway, Danapur,.
 8. The Divisional Railway Manager (DRM), Easts Central Railway, Danapur.

... .. Appellant/s

Versus

Kumud Ranjan Wife of Shri Sanjay Kumar, Resident of House No. Annexure - 101, A.G. Colony, Post Office Ashiyana, Police Station Shashtri Nagar, District Patna, Bihar - 800025.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ram Pravesh Nath Tiwari, Advocate
For the Respondent/s : Ms.Roona, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 08-07-2025

Re: I.A. No. 02 of 2025

Heard I.A. No. 02 to 2025 for condonation of delay.

There is a delay of about 1 year 8 months and 19 days in filing
L.P.A. No.150 of 2025.

2. For condonation of delay, explanation submitted by



the appellant reads as under:-

“3. That the present Memo of Appeal has been preferred by the appellants against the order dated 24.04.2023 passed in CWJC No. 16658 of 2021.

4. That it is humbly submitted that the Learned Advocate General vide Letter No. 211, dated 15.01.2025 has given consent for filing Letters Patent Appeal in the aforesaid matter to the Land Reforms and Revenue Department, Government of Bihar, Patna.

5. That the Revenue and Land Reforms Department, Government of Bihar, Patna vide letter No. 110 dated 23.01.2025 has directed the Collector, Patna to take further action for filing of Letters Patent Appeal in the aforesaid matter.

6. That the certified copy of the order dated 24.04.2023 passed in CWJC No. 16658 of 2021 has been obtained on 30.01.2025 by the office of the District Magistrate, Patna.”

3. Cause of action accrued to the appellant with reference to the order of the learned Single Judge dated 24.04.2023 passed in CWJC No. 16658 of 2021 on 23.05.2023 whereas the present LPA has been presented on 12.02.2025.

4. During the intervening period from 23.05.2023 to 15.01.2025, there is no explanation and on the other hand in Paragraph No. 6 it is stated that they have applied for certified copy and obtained the same on 30.01.2025. There is no material information to the extent that whether order of the learned Single Judge dated 24.04.2023 passed in CWJC No. 16658 of 2021 was uploaded on what date and why there is enormous



delay in submission of application for obtaining certified copy on 30.01.2025, with reference to the order of the learned Single Judge dated 24.04.2023.

5. For bereft of material information, the appellants have not made out a case so as to condone the delay of about 1 year 8 months and 19 days in filing L.P.A. No.150 of 2025. It is to be noted that the present LPA is on behalf of the State of Bihar.

6. Filing of belated litigation on behalf of the State has been deprecated by the Hon'ble Supreme Court in the case of *State of Madhya Pradesh Vs. Ramkumar Choudhary* decided in *[SLP (C) Diary No.48636 of 2024]* on November 29, 2024 read with *H. Guruswamy & Ors. Vs. A. Krishnaiah*, reported in *2025 SCC OnLine SC 54*. Hon'ble Supreme Court has laid down the principles in paragraphs-13 to 17 under what circumstances litigations are to be dismissed on the ground of delay. Paragraphs-13 to 17 read as under:

"13. We are at our wits end to understand why the High Court overlooked all the aforesaid aspects. What was the good reason for the High Court to ignore all this? Time and again, the Supreme Court has reminded the District judiciary as well the High courts that the concepts such as "liberal approach", "Justice oriented approach", "substantial justice" should not be employed to frustrate or jettison the substantial law of limitation.



14. We are constrained to observe that the High Court has exhibited complete absence of judicial conscience and restraints, which a judge is expected to maintain while adjudicating a lis between the parties.

15. The rules of limitation are not meant to destroy the rights of parties. They are meant to see that the parties do not resort to dilatory tactics but seek their remedy promptly.

16. The length of the delay is definitely a relevant matter which the court must take into consideration while considering whether the delay should be condoned or not. From the tenor of the approach of the respondents herein, it appears that they want to fix their own period of limitation for the purpose of instituting the proceedings for which law has prescribed a period of limitation. Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long, it cannot be presumed to be non-deliberate delay and in such circumstances of the case, he cannot be heard to plead that the substantial justice deserves to be preferred as against the technical considerations. While considering the plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain the bona fides of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay.

17. We are of the view that the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and principles of equity. No court should keep the 'Sword of Damocles' hanging over the head of a litigant for an indefinite period of time."



The same has been taken note of for the purpose of deciding I.A. No. 02 of 2025. Accordingly I.A. No. 02 of 2025 for condonation of delay of about 1 year 8 months and 19 days in filing LPA No. 150 of 2025 stands rejected with cost of Rs. 5000/-.

7. Cost shall be remitted in the Lawyers' Association Welfare Benevolent Fund, Indian Bank, Branch-LNMI, Bailey Road, Patna, IFSC No. IDIB000L501 having Bank Account No. 7801893276 within a period of eight weeks.

LPA No. 150 of 2025

8. Resultantly, LPA No. 150 of 2025 stands dismissed.

9. Pending I.A., if any, stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.07.2025
Transmission Date	NA

