IN THE HIGH COURT OF JHARKHAND AT RANCHI
L.P.A. No. 814 of 2025

1. The State of Jharkhand.
2. The Principal Secretary, Department of Environment & Forest, Government of Jharkhand, Project Building, Dhurwa, Post Office Dhurwa, Police Station-Jaganathpur, District Ranchi, Jharkhand.
3. The Divisional Forest Officer, Government of Jharkhand, Ranchi, having its office at Van Bhawan, Doranda, P.O. & P.S. Doranda, District Ranchi, Jharkhand.
4. The Forester, Ranchi Forest Division, Ranchi, having its office at Van Bhawan, Doranda, P.O. & P.S. Doranda, District Ranchi, Jharkhand.
5. The Forest Range Officer, Ranchi East Zone, Mahilong, P.O. & P.S. Mahilong, District Ranchi, Jharkhand.

... ... Appellants

Versus

Aspire Agro Industries, a proprietorship firm, having its office at Beed Bungalow, Tatisilwai, P.O. & P.S. Tatisilwai, District Ranchi, through its proprietor Shri Devendra Nath Mahto, aged about 52 years, S/o Indra Nath Mahto, resident of Beed Bunglow, Tatisilwai, P.O. & P.S. Tatisilwai, Ranchi, Jharkhand … … ... Respondents

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CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MANOJ PRASAD

For the Appellants : Mr. Ashok Kumar Yadav, Sr.S.C-I
For the Respondents : In-person

03/ Dated: 28.09.2026

I.A. No.16554 of 2025

1. Heard Mr Ashok Kumar Yadav, for the appellant and Mr. Devendra Nath Mahto, the respondents, who appears in person in this matter.

2. This I.A. seeks condonation of 191 days in instituting the accompanying appeal.

3. The averments in the application merely refer to the movement of files from one official to another, one lawyer to another, and finally from one table to another. Based on this movement, the application relies on the standard paragraph that "*after completion of all administrative*

processes and due to the aforesaid administrative complexities and procedural requirements", a delay of 191 days occurred in filing the present application.

4. Based upon routine administrative processes and alleged administrative complexities and procedural requirements, the State cannot continue to remain under the impression that the legislature has provided any separate period of limitation for the State to file its appeals. If some processes have to be completed before an appeal is filed, every effort has to be made to complete those processes within the prescribed period of limitation.

5. From the tenor of the application, it is evident that, by citing routine administrative procedures that are largely unverifiable, the State is under the impression that the delay would be condoned. This is all the more unfortunate because the Hon'ble Supreme Court has, in a series of decisions, explained that delay cannot be condoned where the Government departments have not evinced diligence in pursuing the matters and taking appropriate steps.

6. The Hon'ble Supreme Court has held that in the absence of a plausible and acceptable explanation, the delay cannot be condoned mechanically merely because the government or a wing of the government seeks condonation. The claim of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be invariably accepted, given the modern technologies available.

7. The Hon'ble Supreme Court in **Postmaster General & Ors. Vs. In Living Media India Limited & Another, reported in (2012) 3 SCC, 563.** reiterated that the law of limitation undoubtedly binds everybody, including the Government

8. In the case of **State of Odisha and Others Vs. Managing Committee of Namatara Girls High School, 2026 SCC OnLine SC 191**, the Hon'ble Supreme Court distinguished between 'explanation' and an 'excuse' proffered as a ground for condonation of delay. The Hon'ble Supreme Court has also noted that there is a point beyond which even the Courts cannot help a litigant, even if the litigant is the Government, which is itself shackled by bureaucratic indifference. This is because the law of limitation binds everybody; beyond a particular point, no indulgence can be shown, even to the State Government, which functions through an impersonal machinery.

9. In **Union of India &Anr. Vs. Jahangir Byramji Jeejeebhoy (D), through his LR, reported in 2024 SCC Online SC 489**, the Hon'ble Supreme Court held that even the length of the delay is a relevant factor that the Court must consider when dealing with applications for condonation of delay. The Court noted that, from the tenor or approach of the appellants, it appeared that they sought to fix their own period of limitation for instituting proceedings for which the law has prescribed a period of limitation. Once it is held that a party has lost its right to have the matter considered on the merits because of its own inaction for a long time, it cannot be presumed that the delay was not deliberate, and in such circumstances the party cannot be heard to plead that

substantial justice deserves to be preferred against technical considerations.

10. In **Shivamma (Dead) by Lrs. Vs. Karnataka Housing Board & Ors., reported in 2025 SCC OnLine SC 1969**, the Hon'ble Supreme Court conveyed an emphatic message to all the High Courts that delay should not be condoned on frivolous and superficial grounds, until a proper case of sufficient cause is made out, wherein the State machinery is able to establish that it acted with bona fides and remained vigilant all throughout. Procedure is a handmaid to justice, as is famously said, but courts, and more particularly the constitutional courts, ought not to obviate the procedure for a litigating State agency, which also equally suffers the bars of limitation from pursuing litigation due to its own lackadaisical attitude.

11. The Hon'ble Supreme Court held that the High Courts ought not to give a legitimising effect to such a callous attitude of the State authorities or their instrumentalities and should remain extra cautious if the party seeking condonation of delay is a State authority. They should not become surrogates for State laxity and lethargy. The constitutional courts ought to be cognizant of the apathy and pangs of a private litigant. Litigants cannot be placed in situations of perpetual litigation, wherein the fruits of their decrees or favourable orders are frustrated at a later stage.

12. The Hon'ble Supreme Court has further observed that limitation periods are prescribed to maintain a sweeping scope for the lis to attain finality. More than the importance of judicial time, what worries is the

plight of a litigant with limited means, who is to contest against an enormous State, and its elaborate and never exhausting paraphernalia. Such litigations deserve to be disposed of at the very threshold, because, say, if a party litigating against the State, for whatever reason, is unable to contest the condonation of delay in appeal, unlike the present case, it reopens the lis for another round of litigation, and leaves such litigant listless yet again. As courts of conscience, Courts are obligated to ensure that a litigant is not sent from pillar to post to seek justice. No litigant should be permitted to be so lethargic and apathetic, much less be permitted by the courts to misuse the process of law.

13. Applying the above principles to the gross facts of the present case, we are satisfied that no case is made out for condonation of delay.

14. Mr Ashok Kumar Yadav, however, submitted that the appellants have a good case on merits and if the present application is not allowed, irreparable loss and prejudice would be caused to the appellants-State.

15. In **Jeejeebhoy (Supra),** the Hon'ble Supreme Court also held that, when considering a plea for condonation of delay, the court must not begin with the merits of the main matter. The court owes a duty to first ascertain the bona fides of the explanation offered by the parties seeking condonation. Only if the cause assigned by the litigant is sufficient and the opposition of the other side is equally balanced may the court bring the merits of the matter into play to condone the delay. Further, the question of limitation is not merely a technical

consideration. The rules of limitation are grounded in the principles of sound public policy and equity.

16. The Hon'ble Court held that the 'Sword of Damocles' cannot be kept hanging over the head of the respondent for an indefinite period to be determined at the whims and fancies of the appellants. The Court noted that in a plethora of decisions, it has been said that the delay should not be excused as a matter of generosity. Rendering substantial justice is not to cause prejudice to the opposite party. Where the appellants failed to demonstrate that they were reasonably diligent in prosecuting the matter, the delay cannot be condoned. If the delay in filing the appeal arises from the party's own negligence and casual attitude, the delay cannot be condoned on the grounds of doing substantial justice.

17. In any event, we note that the learned Single Judge's impugned order has only restrained the State from taking the law into its own hands and from interfering with the respondent's enjoyment and possession of the property that was the subject of the dispute. The learned Single Judge has granted the appellants-State liberty to follow due procedure under law.

18. The learned Single Judge has only noted that the land in question was recorded in the name of the respondent's predecessors in the revenue records since 1932. Thereafter, the respondent, as a subsequent purchaser, got his name mutated and paid rent to the State Government, which was accepted without any protest or demur till 25.09.2020.

19. The impugned order has not rejected the State's contention that the land is a protected forest or that the State has a better title. The learned Single Judge has held only that complicated issues of title cannot be decided in writ proceedings. The learned Single Judge has also held that even the Government cannot take the law into its own hands and interfere with the possession and enjoyment of a party, *prima facie* in settled possession. At the same time, however, the State has been granted the liberty to take recourse through due procedure.

20. For these reasons, we dismiss I.A. No.16554 of 2025. Consequently, the accompanying appeal and other I.As, if any, will not survive and are disposed of. No costs.

(M. S. Sonak, C.J.)

(Manoj Prasad, J.)

September 28, 2026
BS/Madhav/-
Uploaded on: 01/10 /2026