IN THE HIGH COURT OF JHARKHAND AT RANCHI

I.A. No. 13853 of 2025

In / And

L.P.A. No. 51 of 2026

1. State of Jharkhand through Deputy Commissioner, Ranchi, P.O. & P.S. Ranchi, District - Ranchi-834001.
2. Khas Mahal Officer, Ranchi, P.O. & P.S. Ranchi, District - Ranchi-834001.
3. Circle Officer, Ranchi, P.O. & P.S. Ranchi, District - Ranchi-834001.
4. District Sub Registrar, Ranchi, P.O. & P.S. Ranchi, District – Ranchi-834001.

….. Respondents/Appellants

Versus

Utpal Chakravarty, S/O Late Arun Prakash Chakravarty, Aged about-62 years, Resident of Flat No. 411, Vallobh Sadan Peace Road, Lalpur, Ranchi, P.O. & P.S. Lalpur, District: Ranchi-834001.

... Petitioner/Respondent

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

For the Appellants: Mr Ashok Kumar Yadav, Sr. S.C.-I
Mr Abhijeet Anand, A.C. to Sr. S.C.-I

For the Respondent: Mr Navin Kumar, Advocate
Mr Suraj Verma, Advocate

04/Dated: 03.11.2026

***Per* M. S. Sonak, C.J.**

1. Heard Mr Ashok Kumar Yadav who appears with Mr Abhijeet Anand for the applicants and Mr Navin Kumar, the learned counsel who appears with Mr Suraj Kumar Verma for the respondent.

2. I.A. No. 13853 of 2025 seeks condonation of delay of 188 days in filing the accompanying appeal against the learned Single Judge's judgment and order dated 20.02.2025 in W.P. (C) No. 6667 of 2023.

3. Paragraph 4 of the I.A. refers to the impugned judgment and order passed on 20.02.2025. Paragraph 5 vaguely states that after the pronouncement of the judgment and order on 20.02.2025, the respondent approached the concerned department for implementation. At that stage, the file was put up before the Officers for further action, but "*due to administrative complexities",* implementation was delayed.

4. Paragraph 5 proceeds on the misconceived premise that the appellant-State is required to implement this Court's orders only after the successful petitioner approaches the State seeking implementation. Here again, no particulars are provided as to when the original petitioner approached the State Government for implementation. A vague statement is made about *"administrative complexities".* The administrative complexities relate to implementation of the order, not to an appeal.

5. Paragraph 6 refers to forwarding the file to the *"concerned officer"* on 24.07.2025, i.e. almost five months after the impugned order was passed. Paragraph 7 refers to the file's movement from the concerned Officer to the Circle Officer. Paragraph 8 refers to the movement of the file from the Circle Officer to the Additional Collector. Paragraph 9 refers to the movement of the file from the Additional Collector to the Deputy Commissioner. Paragraph 10 then says that on 02.09.2025, a letter was sent to the Deputy Commissioner to proceed with the filing of the LPA through the Sr. S.C.-I. Paragraph 11 admits that the appeal was filed after

delay of 215 days though, now the Registry has computed the delay at 188 days.

6. Finally, paragraph 12 says that "*due to aforesaid administrative complexities and procedural requirements*" the delay has occurred and that such delay was "*due to circumstances beyond the control of the petitioners (sic) involving complex administrative processes, inter-departmental coordination, financial calculations and legal consultations".*

7. Time and again such excuses have been held not to constitute sufficient cause. Still, repeatedly, the State insists on filing such IAs seeking condonation of delay by citing the very same reasons. Apart from the fact that such reasons are unverifiable, we are not prepared to accept that such reasons can be styled as "*circumstances beyond the control"* of the appellants.

8. The appellants are firmly convinced that the law of limitation prescribed by Parliament does not apply to them and under no circumstances can they expedite their so-called complex administrative processes, inter-departmental coordination, financial calculations and legal consultations.

9. The Officers who file such applications seem not to care for the laws of this land but are obsessed with their so-called administrative procedures. Considering the spate of such applications and the almost uniform averments of this kind (possibly a result of cut and paste), we get the impression that there is not even any truth in the circumstances portrayed, but the circumstances are simply pleaded with a view to protect the

officials, who have been utterly lethargic in taking effective steps to file appeals.

10. Mr Yadav submitted that this is a case of government property. If this is so, then the government officials should have been more diligent and not conducted the matter with such negligence. Invariably, though such submissions are made, we hardly find any case where any action is taken against the negligent officials. Even where the Courts direct action, our experience is that no responsibility is fixed on any officer or, if fixing of responsibility is unavoidable, such officials are let off with a very minor penalty, if at all. Never do we find that any entries are made in the confidential rolls of such officials. All this suggests that the reasons cited are not genuine but are only excuses to protect the officials and nothing further.

11. Otherwise, it is difficult for us to comprehend how, despite several decisions of the Hon'ble Supreme Court and this Court, such unverifiable and mostly ungenuine reasons are cited as a matter of course to seek condonation of delay.

12. In **State of Odisha and Others vs. Managing Committee of Namatara Girls High School,** 2026 SCC OnLine SC 191, the Hon'ble Supreme Court explained the distinction between "explanation" and "excuse" proffered as a ground for condonation of delay. The Hon'ble Supreme Court held that excuses are different from explanations and that, based on excuses, delay cannot be condoned. After referring to its earlier decisions, the Hon'ble Supreme Court held 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. Since the law of limitation binds everybody, beyond a particular point no indulgence can be shown, even to the Government, which functions through an impersonal machinery.

13. Mr Yadav then contended that the appellant has a good case on merits and therefore the delay should be condoned.

14. In the first place, it is difficult to accept Mr Yadav's contention about the appellant having a good case on merits. On perusal of the impugned order, it is apparent that the learned Single Judge's order contains no error warranting interference with the exercise of Letters Patent Jurisdiction, given the law laid down by the Hon'ble Supreme Court in **R. Saravanan v. Periyar University**, 2026 INSC 1136.

15. Secondly, in ***Union of India & Anr. Vs. Jahangir Byramji Jeejeebhoy (D), through his LR,*** 2024 SCC Online SC 489, the Hon'ble Supreme Court held that, at the stage of deciding an application for condonation of delay, the Court should not advert to the merits of the matter. The Hon'ble Supreme Court clarified that limitation is not merely a technical consideration, since the rules of limitation are based on sound public policy and equity.

16. Thirdly, on perusing the learned Single Judge's impugned order, we find that the learned Single Judge has recorded a finding of fact that the respondent herein has been in possession of the suit property for a considerable period, as evidenced by the municipal khatiyan and the mutation order. The learned Single Judge has also

clarified that, where there is a *bona fide* dispute of title, it is always open to the State Government to file a civil suit for declaration of title. This implies that the State Government cannot, by merely changing the revenue entries, force the party in settled possession, backed by the revenue entries for a considerable period, to approach the civil court.

17. In **Postmaster General and Others Vs. In Living Media India Limited and Another,** (2012)3 SCC 563, the Hon'ble Supreme Court held that delay cannot be condoned where the Government Department or the persons concerned have not shown diligence in pursuing the matter and taking appropriate steps. The Court held that, without 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 notings cannot be accepted as a matter of course, given the modern technologies available. It was reiterated that the law of limitation undoubtedly binds everybody, including the Government.

18. The Hon'ble Supreme Court has held that the "Sword of Damocles" cannot be kept hanging over the respondent's head indefinitely, at the appellants' whim and fancy. Therefore, delay should not be excused as a matter of generosity. Substantial justice should not prejudice the opposite party. Where the appellants failed to demonstrate reasonable diligence in prosecuting the matter, the delay cannot be condoned. If it is found that delay in

filing the appeal arose from the party's own negligence and casual attitude, the delay cannot be condoned on the ground of doing substantial justice. In this matter, due to the delay, one of the original petitioners expired without receiving any benefits under the impugned order.

19. In **Shivamma (Dead) by Lrs. Vs. Karnataka Housing Board & Ors., 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 unless a proper case of sufficient cause is made out, in which the State machinery is able to establish that it acted in good faith and remained vigilant throughout. Procedure is a handmaid to justice, as is famously said, but courts, and more particularly the constitutional courts, ought not to obviate procedure for a litigating State agency, which also equally suffers the bars of limitation in pursuing litigation due to its own lackadaisical attitude.

20. The Hon'ble Supreme Court held that the High Courts ought not to lend legitimacy to such a callous attitude by State authorities or their instrumentalities and should remain particularly cautious when 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 mindful of the apathy and distress 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.

21. The Hon'ble Supreme Court has further observed that limitation periods are prescribed to maintain a broad 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, 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 a litigant listless yet again. As courts of conscience, Courts are obligated to ensure that a litigant is not sent from pillar to post in search of justice. No litigant should be permitted to be so lethargic and apathetic, let alone be permitted by the courts to misuse the process of law.

22. 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. Accordingly, this I.A. is dismissed.

23. The accompanying appeal will not survive and is also disposed of. If there are any IAs pending in this appeal, even they will not survive and are hereby disposed of.

24. There shall be no order as to costs.

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

(Manoj Prasad, J.)

November 03, 2026
N.A.F.R.
M.Kr./Sharda/Cp.2
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