CGHC010373242026 2026:CGHC:45702-DB

NAFR

Digitally signed by BABLU RAJENDRA BHANARKAR Date: 2026.10.29 17:22:17 +0530

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 1046 of 2026

1 - State Of Chhattisgarh Through Secretary, Department Of Adim Jati And Anusuchit Jati Vikas Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh

2 - The Commissioner, Department Of Adim Jati And Anusuchit Jati Vikas Chhattisgarh, Raipur, Distt. Raipur Chhattisgarh

3 - Assistant Commissioner, Tribal Development Department, Balod Distt. Balod Chhattisgarh

... Appellants

versus

1 - Chintaram Yadav S/o Parshuram Yadav Aged About 47 Years R/o Village Dhotiya, P/s Dondi District Balod, Chhattisgarh

2 - Kamleshwar Thakur S/o Sukhram Aged About 46 Years R/o Village Markatola, P/s Dondi District Balod, Chhattisgarh

3 - Doman Singh Sihare S/o Dwarikaram Sihare Aged About 38 Years R/o Village Pateli, P/s Dondi District Balod, Chhattisgarh

4 - Rupsingh Bhuaarya S/o Manbodh Ram Aged About 47 Years R/o Village Chikhli, P/s Dondi District Balod, Chhattisgarh

5 - Devkumar S/o Shri Bhola Ram Aged About 42 Years R/o Village Marartola, Chhindgaon, P/s Dondi District Balod, Chhattisgarh

6 - Dinesh Kumar S/o Ram Jharokha Aged About 42 Years R/o Village Rengadabari, District Balod Chhattisgarh

7 - Virendra Kumar Sahu S/o Joidha Ram Sahu Aged About 32 Years R/o Village Khallari, P/s Balod District Balod, Chhattisgarh

8 - Uday Kumar S/o Rajaram Aged About 28 Years R/o Village Dallirajhara, P/s Dallirajhara, District Balod, Chhattisgarh

9 - Anita Raote W/o Deepak Kumar Raote R/o Village Dhotimtola Darutola, P/s Dondi District Balod, Chhattisgarh

10 - Pyare Lal S/o Krishna Ram Aged About 32 Years R/o Village Khallari, P/S Dondi District Balod, Chhattisgarh

11 - Bhojram Sahu S/o Ram Jharokha Sahu Aged About 49 Years R/o Village Marartola, P/s Dondi District Balod, Chhattisgarh

... Respondents

For Appellants	**:**	Mr.Praveen Das, Additional Advocate General
For Respondents	**:**	Ms.Shriyadeep Gupta, Advocate

Hon'ble Shri Krushna Ram Mohapatra, Chief Justice

Hon'ble Shri Santosh Sharma, Judge

Order on Board

***Per* Krushna Ram Mohapatra, Chief Justice**

29.10.2026

1. Heard Mr. Praveen Das, learned Additional Advocate General, appearing for the appellants/State. Also heard Ms. Shriyadeep Gupta, learned counsel for the respondents.

2. **I.A. No. 2 of 2026**, this is an application for condonation of delay of 34 days in filing the writ appeal.

3. The State of Chhattisgarh and two others as appellants have filed this intra-Court appeal against the order dated 30.06.2026 passed by the learned Single Judge in Review Petition No. 183 of 2026, by which the review petition was dismissed confirming order dated 02.05.2025 passed by the learned Single Judge in WPS No. 5147 of 2017 filed by the

respondents.

4. Mr. Das, learned Additional Advocate General, appearing for the State/appellants, submits that the delay is only 34 days in filing the writ appeal. Delay occurred due to period consumed in obtaining administrative approval to file the writ appeal. He drew attention to paragraph-4 of the application for condonation of delay. It is submitted that after the judgment dated 02.05.2025 was passed by learned Single Judge, the Department, by its order dated 25.03.2026, sought for an opinion from the Office of the learned Advocate General. Such opinion was given on 07-08.04.2026 by the Office of learned Advocate General. Thereafter, the Department of Law & Legislative Affairs, Government of Chhattisgarh was moved to grant necessary permission to file review petition. Such permission / sanction was granted vide order dated 05.05.2026 and the review petition was filed on 21.05.2026. He further submits that similar procedure was adopted for filing the writ appeal. In the process 34 days delay occurred in filing the writ appeal. As such, delay in filing of the writ appeal is bonafide and not intentional. Since the appellants have fair chance of success in the writ appeal, the delay of 34 days in filing the writ appeal should be condoned and the appeal be heard on merit.

5. Learned counsel for the respondents vehemently objects to the same and submits that a detailed objection has been filed by the respondents. Referring to the objection, learned counsel for the respondents submits that the review petition itself was filed approximately one year and three months after the judgment was passed by the learned Single Judge. As provisions of Limitation Act is not applicable to the writ

petitions and proceedings arising therefrom in view of order passed in ***Smt. Jyoti vs. General Manager*** in MCC No. 591 of 2016 disposed of on 13.12.2016, the review petition was heard on merit and was dismissed. The explanation given by the State Government for condonation of delay are mere excuses. The opinion of learned Advocate General to file a review petition was sought for after almost one year. Further, the delay of 34 days in filing the writ appeal has not been explained in the application for condonation of delay. Period consumed in obtaining administrative approval cannot be a ground for condonation of delay as held in ***Postmaster General & Others vs. Living Media India Limited & Another***; (2012) 3 SCC 563, wherein it is held that Government Departments / Public Sector Undertakings are under a special obligation to discharge their duties with due diligence and commitment. Condonation of delay is an exception, not the rule, and cannot be claimed as a matter of right or anticipated privilege by the Government Entities / Public Sector Undertakings. The law casts its protection equally upon all litigants and cannot be distorted to confer undue advantage upon a select few.

6. It is submitted that the State Government in order to avoid rigors of the contempt proceedings, sought for opinion of the learned Advocate General to file review petition and being unsuccessful therein, to file the writ appeal. The contempt petition is still pending for consideration. Since the State Government and its authorities were at laches in performing their duties and not at all diligent in filing the writ appeal, the delay should not be condoned.

7. Heard learned counsel for the parties and perused the application

for condonation of delay as well as the case law cited.

8. Admittedly, the judgment was passed by the learned Single Judge on 02.05.2025, but the State of Chhattisgarh maintained a sphinx like silence for almost a one year to seek for opinion of learned Advocate General to file a review petition which was sought for only on 25.03.2026, that too after initiation of contempt proceeding, i.e. almost one year after. The Office of learned Advocate General gave its opinion on 07-08.04.2026. Thereafter, the Department of Law & Legislative Affairs, Government of Chhattisgarh was moved to grant necessary sanction to file the review petition which was sanctioned on 05.05.2026.

9. The review petition was filed on 21.05.2026 and was dismissed as not maintainable vide order dated 30.06.2026. Thereafter, the State Government adopted the similar procedure for filing the present writ appeal. By the time the writ appeal was filed, more than one year had elapsed in challenging the order passed by the learned Single Judge in WPS No. 5147 of 2017. Although, technically, there is a delay of 34 days in filing the writ appeal, but it appears that the State of Chhattisgarh was not at all diligent in exercising its right either to file a review petition or to file the present writ appeal within a reasonable period.

10. Period consumed in obtaining administrative approval cannot be a ground to condone the delay. The Government has a robust mechanism manned by experts. Thus, delay in moving the higher forums / Courts should be viewed seriously. Law does not provide a different limitation period for the State Government; the period of limitation is same for all. Our opinion gets support from the judgment in ***Postmaster General***

(supra).

11. The so-called explanation given in the application for condonation of delay are mere excuses, much less any sufficient cause for condonation of delay. In that view of the matter, we are not inclined to entertain the application for condonation of delay, which is devoid of any merit.

12. Accordingly, the application for condonation of delay, i.e. I.A. No. 2 of 2026, stands **dismissed**. Consequently, the writ appeal also stands **dismissed** being barred by limitation.

Sd/-
(Santosh Sharma)
Judge

Sd/-
(Krushna Ram Mohapatra)
Chief Justice

Bablu