IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CMP.M No.471 of 2025
Decided on 24th April, 2026

State of Himachal Pradesh and another

…Applicants/respondents

Vs.

Sh. Meli Ram and another

…Non-applicants/Respondents

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Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

[1]Whether approved for reporting?

For the applicants	**:**	**Mr. Anup Rattan, Advocate General, with Ms. Priyanka Chauhan, Deputy Advocate General.**
For the non-applicants/ respondents	**:**	**Ms. Anchal Sharma, Advocate, vice Mr. Balwant Singh Thakur, Advocate, for non-applicant/ respondent No.1.**

G. S. Sandhawalia, Chief Justice *(Oral)*

The present Letters Patent Appeal is preferred against order dated 07.11.2023, passed by learned Single Judge in CWP No.1515 of 2023, titled Meli Ram versus State of Himachal Pradesh and others, which is barred by 410 days' delay, as per the application; and as per office report, there is 472 days delay in filing the same.

2. The matter was taken up on 30.05.2025, on which date, learned counsel for the State sought time to file a supplementary affidavit in support of the application for condonation of delay.

3. A perusal of the first application filed goes to show that after the passing of judgment dated 07.11.2023, the matter was taken up with the Government on 19.11.2024, after a period of one year whether the judgment is to be implemented or assailed and resultantly, the Government conveyed its advice on 11.12.2024. No reasoning was thus given for the inordinate delay, as such, for not writing to the Government for a period of one year. In the supplementary affidavit, the position has been worsened to the extent that the Department came to know of the matter on 31.08.2024, when the writ petitioner approached them for implementation of the said judgment. It has further been mentioned that the copy of the judgment was downloaded from the website of the High Court, as the certified copy was neither received nor examined. A perusal of the certified copy would show that it was rather applied on 19.02.2025 and delivered on the same day and, therefore, it cannot be said that there was any

action taken expeditiously and apparently, after a period of 5 months, the certified copy was applied. It was thereafter that the appeal was filed on 21.02.2025. The Department as such had the downloaded copy, as they prepared the appeal in the meantime and even, the request for the certified copy was made to the office of the Advocate General on 17.02.2025. Thus, it appears that the State was not interested in filing the appeal, at all, and there is no sufficient cause to condone the delay.

4. Learned counsel for the State has relied upon ***G. Ramegowda, Major and others versus Special Land Acquisition Officer, Bangalore***, ***(1988) 2 Supreme Court Cases 142,*** whereby, it was held that each and every day's delay is not to be explained, which is not disputed. Reliance was also placed on the earlier judgment in ***Collector, Land Acquisition, Anantnag versus Mst. Katiji, (1987) 2 SCC 107***. In the said case, it was held that where litigation involving the Government is a party, the fact cannot be ignored that decision of Government is collective and institutional decision. The said view has also been followed by the Hon'ble Apex Court in ***State of Nagaland versus Lipok AO and others, (2005) 3 Supreme Court Cases 752***.

Similar reliance has also been placed upon ***Inder Singh versus The State of Madhya Pradesh, Special Leave Petition (Civil) No.6145 of 2024***, wherein also, there was an objection as such to the condonation of delay, whereby, it was held that the dispute as such was over title of land and not between the private parties and the State and the land had been ordered to be used by Youth Welfare Department and the Collectorate had continued to be in possession of the State and in such circumstances, the Apex Court held that the appeal should be heard on merit by imposing costs of Rs.50,000/-.

5. The law stands settled in catena of judgments as such that where there is total inaction on part of the State, there is no justification for condonation of delay. In such circumstances, we are of the considered opinion that there is a lack of explanation for the inactive action of the State. As noticed above, for a period of 1 year, in spite of the fact that it was brought to their notice that the order had been passed in August, 2024, they chose not even to apply for the certified copy till February, 2025.

6. Hon'ble Apex Court in ***Postmaster General and others versus Living Media India Limited and another (2012) 3 SCC 563*** in paras 26 and 27 has held as under:-

> *"In spite of affording another opportunity to file better affidavit by placing adequate material, neither the Department nor the person in-charge has filed any explanation for not applying the certified copy within the prescribed period. The other dates mentioned in the affidavit which we have already extracted, clearly show that there was delay at every stage and except mentioning the dates of receipt of the file and the decision taken, there is no explanation as to why such delay had occasioned. Though it was stated by the Department that the delay was due to unavoidable circumstances and genuine difficulties, the fact remains that from day one the Department or the person/persons concerned have not evinced diligence in prosecuting the matter to this Court by taking appropriate steps.*
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> *It is not in dispute that the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitation for taking up the matter by way of filing a special leave petition in this Court. They cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings. In the absence of plausible and acceptable explanation, we are posing a question why the delay is to be condoned mechanically merely because the Government or a wing of the Government is a party before us."*

7. Thus, for the reasons laid down in ***Esha Bhattacharjee versus Managing Committee of Raghunathpur Nafar Academy and others, (2013) 12 SCC 649*** and ***Postmaster General and others versus Living Media India Limited and another (2012) 3 SCC 563***, we are of the considered opinion that sufficient causes are not being made out in the present case for condonation of delay in filing the appeal and the application is accordingly dismissed.

(G. S. Sandhawalia)
Chief Justice

(Ajay Mohan Goel)
Judge

April 24, 2026
(Vinod)