IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE SEVENTEENTH DAY OF FEBRUARY TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE JUSTICE MOUSHUMI BHATTACHARYA AND THE HONOURABLE SRI JUSTICE GADI PRAVEEN KUMAR

IA.No.2 OF 2025
IN/AND
WRIT APPEAL NO: 1380 OF 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 21/08/2023 in W.P.No.19892 of 2023 and pass on the file of the High Court.

Between:

1. The Telangana State Waqf Board, Rep. by its Chief Executive Officer, Nampally Road, Hyderabad.
2. The Chief Executive Officer, Telangana State Waqf Board, Nampally Road, Hyderabad

...APPELLANTS/RESPONDENTS No.2 & 3

AND

1. Majid Hussain Khan, S/o. Late Abid Hussain Khan, Aged about 53 Business, Occ. Business, R/o H.No.17-9-128/2, Kurmaguda, Saidabad, Hyderabad
2. Sajid Hussain Khan, S/o Late Abid Hussain Khan, Aged about 55 years, Occ. Business, R/o H.No.17-9-128/2,Kurmaguda, Saidabad, Hyderabad
3. Javid Hussain Khan, S/o Late Abid Hussain Khan, Aged about 57 years, Occ. Business, R/o H.No.17-9-128/2,Kurmaguda, Saidabad, Hyderabad 94.
4. Arshad Hussain Khan, S/o Late Abid Hussain Khan, Aged about 51 years, Occ. Business, R/o H.No.17- 9- 12812, Kurmaguda, Saidabad, Hyderabad

...RESPONDENTS/WRIT PETITIONERS

5. The Surveyor, Telangana State Waqf Board, Medchal Malkajgiri District
6. The Tahsildar, Shamirpet Mandal, Medchal Malkajgiri District
7. The Collector, Medchal Malkaigiri District
8. The State of Telangana, Represented by its Secretary, (Minority Welfare Department), Secretariat Buildings, Hyderabad.
9. The Inspector Auditor Waqf, Medchal Malkajgiri District

(Respondents No.5,8 and 9 are not necessary parties to the present Appeal)

...RESPONDENTS

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased condone the delay of 284 days in filing the WRIT APPEAL No. of 2025.

IA NO: 3 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the order passed by the learner single judge in W.P.No. 19892 of 2023 dated 21-08-2023 Pending disposal of the main writ appeal.

Counsel for the Appellants: SRI MOHD ISMAIL, SC FOR TSWB
Counsel for the Respondent Nos.1 TO 4: SRI KATIKA RAVINDER REDDY
Counsel for the Respondent Nos.5 TO 9: --

The Court made the following: COMMON JUDGMENT

HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

***

THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA
AND
THE HON'BLE JUSTICE GADI PRAVEEN KUMAR

IA No.2 OF 2025 IN/AND W.A.No.1380 of 2025

DATE:17.02.2026

Between:

The Telangana State Waqf Board,
Represented by its Chief Executive Officer,
Nampally Road, Hyderabad and another.

...petitioners/appellants

And

Majid Hussain Khan and 8 others.

...Respondents

COMMON JUDGMENT: (Per Hon'ble Sri Justice Gadi Praveen Kumar)

1. Heard Mr.Mohammed Ismail, learned Standing Counsel for the Telangana State Waqf Board appearing for the petitioners/appellants and Mr.Katika Ravinder Reddy, learned counsel appearing for the respondent Nos.1 to 4.

2. I.A.No.2 of 2025 is filed seeking to condone the delay of 284 days in filing W.A.No.1380 of 2025.

3. The reasons for the delay of 284 days in filing the Writ Appeal, as stated in paragraph 4 of the affidavit filed in support

of the application, are that the Writ Appeal was initially presented on 02.07.2024 but was returned by the Registry for compliance; however, the bundle was not collected from the concerned Section by the learned Standing Counsel. Consequently, there was a delay in tracing the returned records, which prevented the matter from being pursued in the ordinary course. It is further submitted that, owing to the filing of fresh cases and heavy workload, the file could not be traced in time, resulting in the present delay.

4. Learned counsel appearing for the respondent Nos.1 to 4 filed a counter-affidavit objecting to the condoning of delay. It is stated therein that each day's delay must be explained and that the Government departments cannot take advantage of their own inaction and plead for condonation of delay on the ground of administrative inefficiency and the reasons pleaded by the petitioners/appellants do not constitute "sufficient cause" and clearly demonstrate gross negligence, total inaction and lack of due diligence on their part and accordingly, prays for dismissal of the IA as well as the Writ Appeal.

5. This Court has carefully considered the averments made in the affidavit filed in support of the application seeking

condonation of delay, as well as the counter-affidavit filed by the respondents opposing the same.

6. It is well settled that while considering an application for condonation of delay, the Court must examine whether "sufficient cause" has been shown and whether the explanation offered is *bona fide* and acceptable. The expression "sufficient cause" should receive a liberal construction so as to advance substantial justice; however, the same cannot be extended to cover negligence, inaction or lack of diligence.

7. In the case of ***Basawaraj v/s. Special Land Acquisition Officer***[1], the Hon'ble Supreme Court held that "sufficient cause" means that the party should not have acted in a negligent manner or there was a want of *bona fide* on its part in view of the facts and circumstances of a case or it cannot be alleged that the party has "not acted diligently" or "remained inactive". It was further held therein that the applicant must satisfy the Court that he was prevented by any "sufficient cause" from prosecuting his case, and unless a satisfactory explanation is furnished, the Court should not allow the application for condonation of delay. It was also held that in case a party is found to be negligent, or for want of *bona fide* on his part in the

[1] (2013) 14 SCC 81

facts and circumstances of the case, or found to have not acted diligently or remained inactive, there cannot be a justified ground to condone the delay.

8. In the present case, the delay of 284 days is undoubtedly substantial. The reasons assigned disclose that the returned bundle was not collected in time from the concerned Section and that the file could not be traced due to administrative reasons and heavy workload. The affidavit does not indicate any specific steps taken to trace the file within a reasonable time, nor does it furnish particulars explaining the delay on a day-to-day basis. Therefore, this Court is of the considered view that there was no adequate and sufficient explanation by the petitioners to condone such inordinate delay in filing the Writ Appeal.

9. Accordingly, I.A.No.2 of 2025 is dismissed, and consequently, W.A.No.1380 of 2025, along with all connected applications, is also dismissed. There shall be no order as to costs.

SD/-MOHD. ISMAIL
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. One CC to SRI MOHD ISMAIL, SC FOR TSWB [OPUC]
2. One CC to SRI KATIKA RAVINDER REDDY, Advocate [OPUC]
3. Two CD Copies

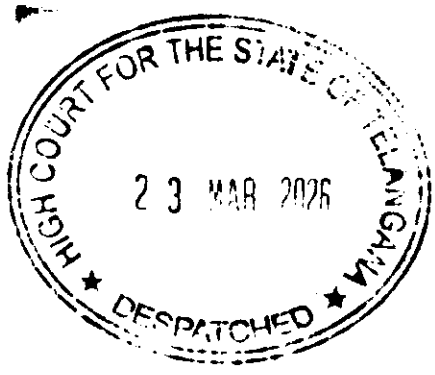
PSK.
BS

HIGH COURT

DATED:17/02/2026

COMMON JUDGMENT

IA.No.2 OF 2025
IN/AND
WA.No.1380 of 2025



DISMISSING THE IA AND WRIT APPEAL WITHOUT COSTS

(5)
06/03/26
V.K