



2025:AHC:224495-DB

RESERVED ON 30.10.2025

DELIVERED ON 15.12.2025

AFR

HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL MISC REVIEW APPLICATION DEFECTIVE No. - 99 of 2025

State Of Up And Another

.....Applicant(s)

Versus

Mohan Lal

.....Opposite
Party(s)

Counsel for Applicant(s) : Mohan Srivastava, S.C.

Counsel for Opposite Party(s) : Santosh Kumar Pandey

Court No. - 1

HON'BLE NEERAJ TIWARI, J.

HON'BLE VIVEK KUMAR SINGH, J.

(Per: Hon'ble Vivek Kumar Singh, J.)

**Re: Delay Condonation Application No.1 of 2025 in Civil Misc.
Review Petition**

1. Heard Shri Mohan Srivastava, learned Standing Counsel for the Applicants and Shri R.K. Ojha, learned Senior Counsel assisted by Shri Santosh Kumar Pandey, learned counsel for the opposite party.

2. By means of this review application, the State of U.P. seeks review of the judgment and order dated 13.11.2009 passed by this Court in Writ Petition (C) No.34974 of 2001 (Mohan Lal vs. State of U.P. and Another), whereby the writ petition was allowed in favour of the petitioner.

3. There is a delay of 5743 days in filing the review application from the date of judgment under review herein.

4. The judgment and order dated 13.11.2009, which is under review

before us, was earlier challenged by the State of U.P. by filing Special Leave Petition (C) No.25032 of 2014 with a delay of 1633 days and the same was dismissed on the ground of delay as well as on merit by Hon'ble Supreme Court vide its order dated 03.05.2024. Thus, from the date, Special Leave Petition was dismissed, there is a delay of about 489 days in preferring the Review Petition. The Writ (C) No.34974 of 2009 was filed by Mohan Lal against State of U.P. wherein it was prayed that a Writ of Mandamus be issued against the Respondents and direct the Respondent no.2 to omit the name of State of Uttar Pradesh from the revenue records and mutate the name of the petitioner in the revenue records in place of State of Uttar Pradesh. After hearing both sides, this Court allowed the Writ Petition vide judgment and order dated 13.11.2009 and it was held that the petitioner was entitled to the benefit of Section 3 of the Urban Land (Ceiling and Regulation) Repeal Act, 1999 (in short 'Repeal Act') and his land shall not be treated to have been declared as vacant land under the Repeal Act.

5. As noted above against the judgment and order dated 13.11.2009, which is under challenge in the Review Petition, the State of U.P. had filed Special Leave Petition No.25032 of 2014, which was dismissed by the Hon'ble Supreme Court vide order dated 03.05.2024 and the case on merit was also considered in paragraph 2.2 of the order dated 03.05.2024, however, in operative part of aforesaid order, the huge delay of 1633 days in filing the petition was not condoned by the Hon'ble Supreme Court. The Hon'ble Supreme Court further observed that to explain the delay in filing the petition, only plea taken by the State was that the matter was entrusted to the counsel and the same reasoning cannot be accepted. The case was not followed up at any stage.

6. In the affidavit filed by the Review Petitioners-State, certain explanation has been given for such huge delay in preferring this Review Petition. However, on consideration of the averments made in the application seeking condonation of delay and the affidavit filed in support thereof, what we find is that the delay has not been satisfactorily explained, rather in the facts of the case what we conclude is that there has been unjustifiable laches and callousness on the part of the State in preferring this Review Petition. It has been stated in the application

seeking condonation of delay that the order dated 13.11.2009, which is under review, was challenged before the Hon'ble Supreme Court in Special Leave Petition No.25032 of 2014, which was dismissed on the ground of delay by the Hon'ble Apex Court vide order dated 03.05.2024. It has not been made clear by the Review Petitioners-State as to what prevented them to file the Review Petition after 13.11.2009 and before filing Special Leave Petition No.25032 of 2014. It has also been stated in the affidavit filed in support of the application seeking condonation of delay that once the Special Leave Petition No.25032 of 2014 was dismissed by the Hon'ble Supreme Court vide order dated 03.05.2024, the petitioner Mohan Lal submitted application dated 05.07.2024 for compliance of the Hon'ble Apex Court dated 03.05.2024 and the High Court dated 13.11.2009 for recording his name in the revenue records and thereafter on 16.07.2024 a proposal was sent to the State Government for filing Review Petition. Thereafter, an Office Memo No.230, dated 22.08.2024 was prepared and the same was sent to the Advocate on Record of the Hon'ble Supreme Court and Advocate on Record has sent his legal opinion which was received on 22.03.2025. Thereafter, the Petitioners-State decided to file Review Petition and a meeting was invited for discussing the further steps to be taken in the matter and permission was granted for filing Review Petition on 26.07.2025.

7. Learned Standing Counsel for the Petitioners-State taking the Court to the aforementioned submissions made in the affidavit filed in support of the application seeking condonation of delay has submitted that delay is genuine, *bonafide* and unintentional. He has further submitted that Review Petition could not be filed as it took time in completing the administrative formalities by following certain norms and procedures and once they get legal opinion from Advocate on Record, it was decided in the meeting that the Review Petition would be filed and permission was granted on 26.07.2025 for filing the Review Petition against the order of this Court dated 13.11.2009.

8. We have given our conscious consideration to the submissions made by the learned Standing Counsel, however, what we find is that the delay and laches in preferring the Review Petition are not satisfactorily explained. The reasons as argued by the learned Standing Counsel rather are, in fact,

manifestation of callousness and non-seriousness on the part of the officials and officers of the State Government. What has been stated in the affidavit filed in support of the application seeking condonation of delay reflects proverbial bureaucratic red tapism wherein the Review Petitioners-State has attempted to take shelter in the usual functioning of the administrative machinery.

9. The Hon'ble Supreme Court time and again has not only expressed words of caution in respect of casual manner in which the State Authorities approach the Courts without any plausible ground for condonation of delay but has even counselled the State Authorities in this regard. Regard may be had at this juncture to the pronouncement made by Hon'ble Supreme Court on 04.02.2021 while dismissing the **Special Leave Petition (Civil) Diary No(s). 19846/2020, Union of India vs. Central Tibetan Schools Admin & Ors.** The Hon'ble Supreme Court dismissed the Special Leave Petition, which was preferred with the delay of 532 days from the date of rejection of restoration application and 6616 days from the date of original order and made certain observations are quoted below:

"We have heard learned Additional Solicitor General for some time and must note that the only error which seems to have occurred in the impugned order is of noticing that it is not an illiterate litigant because the manner in which the Government is prosecuting its appeal reflects nothing better! The mighty Government of India is manned with large legal department having numerous officers and Advocates. The excuse given for the delay is, to say the least, preposterous.

We have repeatedly being counselling through our orders various Government departments, State Governments and other public authorities that they must learn to file appeals in time and set their house in order so far as the legal department is concerned, more so as technology assists them. This appears to be falling on deaf ears despite costs having been imposed in number of matters with the direction to recover it from the officers responsible for the delay as we are of the view that these officers must be made accountable. It has not had any salutary effect and that the present matter should have been brought up, really takes the cake!"

10. In the case of **Central Tibetan Schools Admin & Ors. (supra)** while observing that the appellant therein had approached the Court in casual manner without any cogent ground for condonation of delay, Hon'ble Supreme Court has referred to the cases of **Office of the Chief Post Master General & Ors. vs. Living Media India Ltd. & Anr.**, reported in [(2012) 3 SCC 563] and also the case of **Balwant Singh (Dead) vs. Jagdish Singh & Ors**, reported in [AIR 2010 SC 3043]. Relevant extract of the said judgment in the case of **Central Tibetan Schools Admin & Ors. (supra)** runs as under:

" In this behalf, suffice to refer to our judgment in the State of Madhya Pradesh & Ors. v. Bheru Lal [SLP [C] Diary No.9217/2020 decided on 15.10.2020] and The State of Odisha & Ors. v. Sunanda Mahakuda [SLP [C] Diary No.22605/2020 decided on 11.01.2021]. The leeway which was given to the Government/public authorities on account of innate inefficiencies was the result of certain orders of this Court which came at a time when technology had not advanced and thus, greater indulgence was shown. This position is no more prevalent and the current legal position has been elucidated by the judgment of this Court in Office of the Chief Post Master General & Ors. vs. Living Media India Ltd & Anr.- (2012) 3 SCC 563. Despite this, there seems to be a little change in the approach of the Government and public authorities. "

11. In the case of **Living Media India Ltd. & Anr. (supra)** Hon'ble Supreme Court noticed the advancement in modern technology and observed that the claim of seeking condonation of delay on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. In the said case, it was further observed by Hon'ble Apex Court that all the government bodies, their agencies and instrumentalities need to be informed that unless they have reasonable and acceptable explanation for delay, there is no need to accept usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red tape in the process.

12. Paras 28 and 29 of the judgement in the case of **Living Media India Ltd. & Anr. (supra)** are extracted hereinbelow:

"28. Though we are conscious of the fact that in a matter of condonation of delay when there was no gross negligence or deliberate inaction or lack of bona fides, a liberal concession has to be adopted to advance substantial justice, we are of the view that in the facts and circumstances, the Department cannot take advantage of various earlier decisions. The claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody, including the Government.

29. In our view, it is the right time to inform all the government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bona fide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red tape in the process. The government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for the government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few."

13. Similarly, the Hon'ble Apex Court in the case of State of **Madhya Pradesh and others vs. Bherulal**, reported in [(2020) 10 SCC 654] has held that the law of limitation undoubtedly binds everybody including the Government and unless the government authorities, their agencies and instrumentalities have reasonable and acceptable explanations for the delay and there was bona fide efforts on their part, there is no need to accept the usual explanation in the garb of procedural red tape of process. The condonation of delay is an exception and should not be used as anticipated benefits for the Government.

14. In **Vedabai @ Vijayanatabai Baburao Vs. Shantaram Baburao Patil and others**, reported in [JT 2001(5) SC 608] the Hon'ble Supreme Court said that under Section 5 of Act, 1963 it should adopt a pragmatic approach. A distinction must be made between a case where the delay is inordinate and a case where the delay is of a few days. In the former case

consideration of prejudice to the other side will be a relevant factor so the case calls for a more cautious approach but in the latter case no such consideration may arise and such a case deserves a liberal approach. No hard and fast rule can be laid down in this regard and the basic guiding factor is advancement of substantial justice.

15. In Pundlik Jalam Patil (dead) by LRs Vs. Executive Engineer, Jalgaon Medium Project and Another reported in (2008) 17 SCC 448, in para 17 of the judgment, the Hon'ble Supreme Court said :

"...The evidence on record suggests neglect of its own right for long time in preferring appeals. The court cannot enquire into belated and state claims on the ground of equity. Delay defeats equity. The court helps those who are vigilant and "do not slumber over their rights."

16. In Maniben Devraj Shah Vs. Municipal Corporation of Brihan Mumbai, reported in [2012 (5) SCC 157], in para 18 of the judgment, the Court said as under:

"What needs to be emphasised is that even though a liberal and justice oriented approach is required to be adopted in the exercise of power under Section 5 of the Limitation Act and other similar statutes, the Courts can neither become oblivious of the fact that the successful litigant has acquired certain rights on the basis of the judgment under challenge and a lot of time is consumed at various stages of litigation apart from the cost. What colour the expression 'sufficient cause' would get in the factual matrix of a given case would largely depend on bona fide nature of the explanation. If the Court finds that there has been no negligence on the part of the applicant and the cause shown for the delay does not lack bona fides, then it may condone the delay. If, on the other hand, the explanation given by the applicant is found to be concocted or he is thoroughly negligent in prosecuting his cause, then it would be a legitimate exercise of discretion not to condone the delay. In cases involving the State and its agencies/instrumentalities, the Court can take note of the fact that sufficient time is taken in the decision making process but no premium can be given for total lethargy or utter negligence on the part of the officers of the State and / or its agencies/instrumentalities and the applications filed by them for condonation of delay cannot be allowed

as a matter of course by accepting the plea that dismissal of the matter on the ground of bar of limitation will cause injury to the public interest."

17. The legal position is that where a case has been presented in the Court beyond limitation, the Petitioner has to explain the Court as to what was the "sufficient cause" which means an adequate and enough reason which prevented him to approach the Court within limitation. In **Majji Sannemma v. Reddy Sridevi**, reported in **2021 SCC Online SC 1260**, it was held by Hon'ble Supreme Court that even though limitation may harshly affect the rights of a party, it has to be applied with all its rigour when prescribed by statute. A reference was also made to the decision of the Hon'ble Supreme Court in **Ajay Dabra v. Pyare Ram**, reported in **2023 SCC Online SC 92** wherein, it was held as follows:

*"13. This Court in the case of **Basawaraj v. Special Land Acquisition Officer**, reported in (2013) 14 SCC 81 while rejecting an application for condonation of delay for lack of sufficient cause has concluded in Paragraph 15 as follows:*

"15. The law on the issue can be summarised to the effect that where a case has been presented in the court beyond limitation, the applicant has to explain the court as to what was the "sufficient cause" which means an adequate and enough reason which prevented him to approach the court within limitation. In case a party is found to be negligent, or for want of bona fide on his part in the 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. No court could be justified in condoning such an inordinate delay by imposing any condition whatsoever. The application is to be decided only within the parameters laid down by this Court in regard to the condonation of delay. In case there was no sufficient cause to prevent a litigant to approach the court on time condoning the delay without any justification, putting any condition whatsoever, amounts to passing an order in violation of the statutory provisions and it tantamounts to

showing utter disregard to the legislature."

14. Therefore, we are of the considered opinion that the High Court did not commit any mistake in dismissing the delay condonation application of the present Appellant."

18. Thus, it is crystal clear that the discretion to condone the delay has to be exercised judiciously based on facts and circumstances of each case and that, the expression 'sufficient cause' cannot be liberally interpreted, if negligence, inaction or lack of bona fides is attributed to the party.

19. In **Union of India v. Jahangir Byramji Jeejeebhoy (D) through his legal heir**, reported in **2024 SCC OnLine SC 489**, wherein, after referring to various decisions on the issue, the Hon'ble Supreme Court observed that delay should not be excused as a matter of generosity and rendering substantial justice is not to cause prejudice to the opposite party. The relevant passage of the same is profitably extracted below:

"24. In the aforesaid circumstances, we made it very clear that we are not going to look into the merits of the matter as long as we are not convinced that sufficient cause has been made out for condonation of such a long and inordinate delay.

25. It hardly matters whether a litigant is a private party or a State or Union of India when it comes to condoning the gross delay of more than 12 years. If the litigant chooses to approach the court long after the lapse of the time prescribed under the relevant provisions of the law, then he cannot turn around and say that no prejudice would be caused to either side by the delay being condoned. This litigation between the parties started sometime in 1981. We are in 2024. Almost 43 years have elapsed. However, till date the Respondent has not been able to reap the fruits of his decree. It would be a mockery of justice if we condone the delay of 12 years and 158 days and once again ask the Respondent to undergo the rigmarole of the legal proceedings.

26. The length of the delay is a relevant matter which the court must take into consideration while considering whether the delay should be condoned or not. From the tenor of the approach of the Appellants, it

appears that they want to fix their own period of limitation for instituting the proceedings for which law has prescribed a period of limitation. Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long, it cannot be presumed to be non-deliberate delay and in such circumstances of the case, he cannot be heard to plead that the substantial justice deserves to be preferred as against the technical considerations. While considering the plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain the bona fides of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay.

27. We are of the view that the question of limitation is not merely a technical consideration. The Rules of limitation are based on the principles of sound public policy and principles of equity. We should not keep the 'Sword of Damocles' hanging over the head of the Respondent for indefinite period of time to be determined at the whims and fancies of the Appellants.

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34. In view of the aforesaid, we have reached to the conclusion that the High Court committed no error much less any error of law in passing the impugned order. Even otherwise, the High Court was exercising its supervisory jurisdiction Under Article 227 of the Constitution of India.

35. In a plethora of decisions of this Court, it has been said that delay should not be excused as a matter of generosity. Rendering substantial justice is not to cause prejudice to the opposite party. The Appellants have failed to prove that they were reasonably diligent in prosecuting the matter and this vital test for condoning the delay is not satisfied in this case.

36. For all the foregoing reasons, this appeal fails and is hereby dismissed. There shall be no order as to costs."

20. In **Jahangir Byramji Jeejeebhoy (supra)** the Hon'ble Supreme Court has further observed as under:-

"Applying the above legal proposition to the facts of the present case, we are of the opinion that the High Court correctly refused to condone the delay and dismissed the appeal by observing that such inordinate delay was not explained satisfactorily, no sufficient cause was shown for the same, and no plausible reason was put forth by the State. Therefore, we are inclined to reject this petition at the threshold."

21. Coming back to the facts of the present case, we would observe that it hardly matters whether litigants is a private party or State or Union of India when it comes to condoning the gross delay of several years. The government bodies and their agencies should be vigilant in filing the petition within time. There is no need to accept the usual explanation that the petition was kept pending for several years due to considerable degree of procedural redtape in the process. The government agencies are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for the Government Departments. The law shelters everyone under the same light and should not be swirled for the benefit of the Government Department. In plethora of judgments of this Court as well as Hon'ble Supreme Court it has been held that the delay should not be condoned as a matter of generosity. When we examine the explanation of delay of 5743 days in filing the Review Petition from the date of judgment dated 13.11.2009, which has been sought to be reviewed and delay of around 489 days from the date of dismissal of Special Leave Petition on 03.05.2024, what we find is that the State has once again sought shelter in usual slow pace of State machinery in preparation of office notes, movement of files, keeping legal opinion with delay. The said explanation cannot be said to be sufficient in view of the law laid by Hon'ble Apex Court in the cases mentioned hereinabove. In fact the course adopted by the State in preferring the Review Petition reflects gross negligence and inaction which is in our considered opinion cannot be said to be *bonafide*. What we notice is that the approach of the State all along has been casual and that of manifest negligence. As observed by Hon'ble Apex Court in the judgment mentioned hereinabove, the law of

limitation binds everyone including the Government.

22. From the date of judgment of this Court on 13.11.2009 till dismissal of Special Leave Petition by the Hon'ble Apex Court on the ground of delay of 1633 days, the same period cannot be reconsidered by this Court for condoning the delay. From the date of dismissal of Special Leave Petition i.e. on 03.05.2024 till 26.07.2025 when it was decided by the State Government to file the Review Petition, the reasons indicating the delay for that period is not a satisfactory explanation for delay in filing this Review Petition.

23. Considering the fact that the State has grossly failed to offer any proper explanation for huge delay other than mentioning different dates on which office notes were prepared and files have been moving from one desk to other and from one officer to other, in our opinion, the explanation furnished are neither sufficient nor acceptable to condone such a huge delay.

24. We have observed that the Hon'ble Supreme Court has considered the merit of the case while passing the order dated 03.05.2024 and therefore, by allowing this Review Petition, we cannot review the judgment and order of Hon'ble Supreme Court.

25. In the light of the discussions made hereinabove, the delay condonation application is **rejected**.

26. Consequently, the Review Petition is also **dismissed** as we have refused to condone the delay in filing this Review Petition.

(Vivek Kumar Singh,J.) (Neeraj Tiwari,J.)

December 15, 2025

Nitendra