2024 INSC 375

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (C) No.25032 of 2014

STATE OF U.P. & ANOTHER ... **Petitioner(s)**

VERSUS

MOHAN LAL ... **Respondent(s)**

O R D E R

Rajesh Bindal, J.

1. The present petition has been filed impugning order[1] passed by the Division Bench of the High Court[2]. Along with the petition, an application has been filed seeking condonation of delay of 1,633 days in filing the present petition.

2. A perusal of the application filed by the petitioner-State seeking condonation of huge delay of 1,633 days in filing the petition

[1] Dated 13.11.2009 in Civil Misc. Writ Petition No.34974 of 2001

[2] High Court of Judicature at Allahabad

shows that to challenge the impugned order dated 13.11.2009 passed by the High Court the file was put up before the Competent Authority, Bareilly, for the first time on 13.04.2011. On this file the Competent Authority directed to seek legal opinion from the District Government Counsel (Civil)[3]. After receiving the legal opinion from DGC (Civil), permission was sought from the State Government which was granted and received by the petitioner on 16.09.2011. Thereafter, to explain the delay in filing the petition, the only plea taken is that the matter was entrusted to the counsel. However, later it was found that initially the appeal was not filed. It is further evident from the application that the case was not properly followed up at any stage. The explanation given for seeking condonation of huge delay of 1,633 days cannot be accepted, when it is not disputed that the petitioner-State appeared before the High Court and was heard before passing of the impugned order, so it was within their knowledge.

2.1 Another fact which may be noticed is that the petitioner-State at page 'K' of the Synopsis and List of Dates has referred to Special Leave Petition (Civil)….CC….No.21120 of 2013 titled as 'State of U.P. & others v.

[3] Hereinafter referred to as 'DGC (Civil)'

Vinod Kumar Tripathi & others' stating therein that in the aforesaid petition identical issue was involved and this Court after condoning the delay had issued notice and the matter is still pending. The actual cause title of the Special Leave Petition (Civil)….CC….No.21120 of 2013 is 'State of U.P. and others v. Sanjay Kumar and another'. However, from a bare perusal of the order dated 13.12.2013 passed in the aforesaid petition annexed with this petition as Annexure P-7, it is evident that the aforesaid petition was dismissed on account of delay and on merits. Hence the statement was wrong and misleading.

2.2 Further, the petitioner-State in this petition has mentioned in its ground that in an identical case involving the same question of law, the petitioner-State had preferred S.L.P.(C)…CC…No.21595 of 2013 titled as 'State of U.P. & Anr. vs Vinod Kumar Tripathi & Ors. in which this Court had issued notice, and the matter is still pending adjudication before this Court. However, the same has also been dismissed by this Court *vide* order dated 19.01.2016.

3. From the material placed on record, we do not find sufficient cause is made out for condonation of huge delay of 1,633 days in filing the present petition.

4. Consequently, the application for condonation of delay is dismissed. The Special Leave Petition is also dismissed.

.....J.
(C.T. RAVIKUMAR)

.....J.
(RAJESH BINDAL)

New Delhi
May 03, 2024.