



CMP No.23000 of 2025
and WA SR No.150663 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 22.01.2026

CORAM

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

C.M.P.No.23000 of 2025
and W.A.SR No.150663 of 2025

- 1.The Executive Engineer,
JJ Nagar Division,
Tamil Nadu Housing Board,
Thirumangalam, Chennai-101.
- 2.The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai-600 035.
- 3.The Chairman,
Tamil Nadu Housing Board,
Nandanam, Chennai-35.

Appellants

Vs

P.O.Abraham,
S/o.Late P.Oonnurni,
Indian Christian,
Thenguvilai House,
Myladumparam, Ponthaplavu PO
Pattazy, Kollam, Kerala.

Respondent



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PRAYER in C.M.P.No.23000 of 2025: Petition filed under Section 5 of the Limitation Act to condone the delay of 301 days in filing the appeal.

PRAYER in WA SR No.150663 of 2025: Appeal filed under Clause 15 of Letters Patent to set aside the order dated 28.03.2024 passed by the learned Single Judge in W.P.No.16914 of 2020.

For Petitioners/ Appellants:	Mr.P.Kumaresan Addl. Advocate General assisted by Mr.D.Veerasekaran
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For Respondent/ Respondent:	Mr.D.Ashok Kumar
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JUDGMENT

(Made by the Hon'ble Chief Justice)

In support of the prayer seeking condonation of delay of 301 days, all that has been stated in the affidavit is as below:

"15. I respectfully submit that the W.P.No.16914 of 2020 was disposed on 28.03.2024. Subsequently, the copy application was made in Sr.No.28654 on 28.03.2024, the said order was made ready on 19.10.2024, delivered on 24.10.2024 and the same was communicated to the appellants. However, the 2nd Appellant circulated the said order to various department and finally passed order



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generated online vide Board's proceedings dated 02.09.2024 and rejected the writ petitioner's request on the ground that no relevant documents was furnished. But the respondent/writ petitioner instead of challenging the above Board's proceedings of rejection dated 02.09.2024 has filed the contempt petition No.827 of 2025 against the W.P.No.16914 of 2020 dated 28.03.2024 and the same is not maintainable. But the writ petitioner has wantonly filed the Cont.P.No.827 of 2025 and the learned Judge had to issued statutory notice on 09.09.2025.

Hence, the Appellant-Board had no other option but only to file Writ Appeal against the order dated 28.03.2024 passed by the Hon'ble High Court in W.P.No.16914 of 2020. Thus the present Writ Appeal is filed after a delay of 301 days. The delay in filing this Writ Appeal is due to the above said reason and no prejudice will be caused to the Respondent if the delay is condoned. The delay is neither wilful nor deliberate but due to administrative exigencies. No prejudice will be caused to the Respondent if the delay is condoned, whereas the Appellant will suffer irreparable loss if the appeal is not entertained. In the interest of justice, the Hon'ble Court may be pleased to condone the delay for the reason as stated above. If the delay is not condoned the Appellant/Board would be put to irreparable loss and the same may not be compensated."



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2. To say the least, no cause, much less sufficient cause, has been shown. It appears that the officials concerned dealing with the files were completely indolent and sat over the matter without doing anything.

3. The Hon'ble Supreme Court, in umpteen number of judgments, held that the period of limitation is required to be explained by the State and it does not stand on any exalted position.

(i) In the case of *State of Madhya Pradesh & Ors. V. Bherulal*¹, it was found that the appeal filed by the State was with delay of 663 days. The cause shown for inordinate delay in that case was due to unavailability of documents and the process of arranging documents and also a reference to bureaucratic process works. In the aforesaid factual context, Their Lordships of the Supreme Court, observed as below:

"3. No doubt, some leeway is given for the Government inefficiencies but the sad part is that the authorities keep on relying on judicial pronouncements for a period of

¹(2020) 10 SCC 654



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time when technology had not advanced and a greater leeway was given to the Government (Collector, Land Acquisition, Anantnag & Anr. vs. Mst. Katiji & Ors. MANU/SC/0460/1987 : (1987) 2 SCC 107). This position is more than elucidated by the judgment of this Court in Office of the Chief Post Master General & Ors. v. Living Media India Ltd. & Anr. MANU/SC/0132/2012 : (2012) 3 SCC 563 where the Court observed as under:

"27. 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.

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 bonafide, a liberal concession has to be adopted to advance substantial justice, we are of the view that in the facts and circumstances, the



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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 bonafide 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 government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few.



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30. Considering the fact that there was no proper explanation offered by the Department for the delay except mentioning of various dates, according to us, the Department has miserably failed to give any acceptable and cogent reasons sufficient to condone such a huge delay."

Eight years hence the judgment is still unheeded!"

(ii) In another decision in the case of *State of Maharashtra v. Borse Brothers Engineers and Contractors Pvt. Ltd*², also, in the factual context of long delay of 75 days, the explanation was found to be short of any sufficient cause. The explanation in the aforesaid case was noted in para 67 of the said judgment as below:

"67. That apart, on the facts of this appeal, there is a long delay of 75 days beyond the period of 60 days provided by the Commercial Courts Act. Despite the fact that a certified copy of the District Court's judgment was obtained by the respondent on 27.04.2019, the appeal was filed only on 09.09.2019, the explanation for delay being:

'2. That, the certified copy of the order dated 01/04/2013 was received by the appellant on 27/04/2019. Thereafter the matter was placed

²(2021) 6 SCC 460



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before the CGM purchase MPPKVVCL for the compliance of the order. The same was then sent to the law officer, MPPKVVCL for opinion.

3. That after taking opinion for appeal and approval of the concerned authorities, the officer-in-charge was appointed vide order dated 23/07/2019.

4. That, thereafter due to bulky records of the case and for procurement of the necessary documents some delay has been caused however, the appeal has been prepared and filed to pursuant to the same and further delay.

5. That due to the aforesaid procedural approval and since the appellant is a public entity formed under the Energy department of the State Government, the delay caused in filing the appeal is bonafide and which deserve[s] to be condoned.”

However the Hon'ble Supreme Court was not satisfied with the cause shown on the above lines and it was held as below:

"66. This explanation falls woefully short of making out any sufficient cause. This appeal is therefore allowed and



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the condonation of delay is set aside on this score also."

(iii) In a recent judgment of the Apex Court in the case of *Shivamma v. Karnataka Housing Board*³, it is observed thus:

"261. Thus, for the reasons aforesaid, the impugned order of the High Court deserves to be set aside. Before we proceed to close this judgment, we deem it appropriate to make it abundantly clear that administrative lethargy and laxity can never stand as a sufficient ground for condonation of delay, and we want to convey an emphatic message to all the High Courts that delays shall not be condoned on frivolous and superficial grounds, until a proper case of sufficient cause is made out, wherein the State-machinery is able to establish that it acted with bona fides and remained vigilant all throughout. Procedure is a handmaid to justice, as is famously said. But courts, and more particularly the constitutional courts, ought not to obviate the procedure for a litigating State agency, who also equally suffer the bars of limitation from pursuing litigations due to its own lackadaisical attitude.

262. The High Courts ought not give a legitimizing effect to such callous attitude of State authorities or its

³2025 INSC 1104



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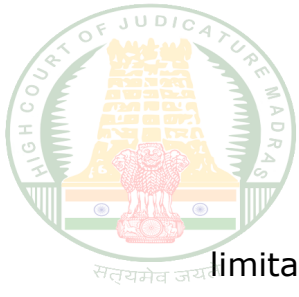


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instrumentalities, and should remain extra cautious, if the party seeking condonation of delay is a State-authority. They should not become surrogates for State laxity and lethargy. The constitutional courts ought to be cognizant of the apathy and pangs of a private litigant. Litigants cannot be placed in situations of perpetual litigations, wherein the fruits of their decrees or favourable orders are frustrated at later stages. We are at pains to reiterate this everlasting trend, and put all the High Courts to notice, not to reopen matters with inordinate delay, until sufficient cause exists, as by doing so the courts only add insult to the injury, more particularly in appeals under Section 100 of the CPC, wherein its jurisdiction is already limited to questions of law."

4. As the averments in the affidavit filed in support of the application do not constitute sufficient cause, the application is dismissed. Consequently, WA SR is rejected. There shall be no order as to costs.

5. Though learned Additional Advocate General appearing for the appellants presses on merits of the case, we are not inclined to examine, as we have held that the appeal is hopelessly barred by



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limitation.
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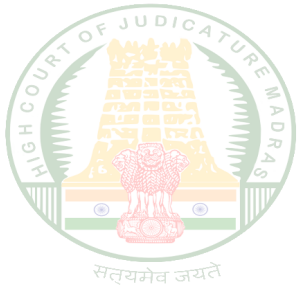
It is open for the appellants to take appropriate disciplinary action against those officials, whose inaction and whimsical negligence, was the reason for the appeal being filed beyond the period of limitation.

(MANINDRA MOHAN SHRIVASTAVA,CJ) (G.ARUL MURUGAN,J)
22.01.2026

Index : Yes/No
Internet : Yes/No
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