



CMP No.19873 of 2025
and WA SR No.93927 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 21.01.2026

CORAM

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

C.M.P.No.19873 of 2025
and W.A.SR No.93927 of 2025

1. The Government of Tamil Nadu

Rep. by its Secretary,
Industries Department,
Fort St. George,
Chennai 600 009

2. The District Collector

Kancheepuram District,
Kancheepuram

3. The Special Tahsildar (L.A)

Unit I SIPCOT Oragadam Expansion
II Scheme, SIPCOT,
Pillaipakkam Project Office Building,
Kundrathur Main Road,
Sriperumbudur 602 105

Petitioners/
Appellants

Vs

Martin Xavier

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S/o. Amaladoss,
No. 2-L, Sri Vari Apartments,
18, Abdul Razak Street, Saidapet
Chennai – 600 015.

Respondent

Prayer in C.M.P.No.19873 of 2025: Application filed to condone the delay of 459 days in filing the above Writ Appeal against the order dated 20.02.2024 made in W.P.No.828 of 2024.

Prayer in W.A.SR No.93927 of 2025: Appeal filed under Clause 15 of the Letters Patent to set aside the order of the learned Single Judge passed in W.P.No.828 of 2024, dated 20.02.2024.

For Petitioner(s)/ Mr.E.Vijay Anand
Appellant(s): Addl. Government Pleader

JUDGMENT
(Made by the Hon'ble Chief Justice)

In support of the prayer seeking condonation of delay of 459 days, all that has been stated in the affidavit is as below:

"7. After having obtained opinion as it advised to file appeal against the order dated 20.02.2024, steps have been taken to file the Writ Appeal and in the interregnum there arose a delay of 459 days in filing the above appeal. As stated above, the delay of 459 days, thus caused, in filing the above appeal is neither willful nor wanton but due to the bonafide administrative reasons stated supra. If the delay of



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459 days in filing the appeal is not condoned, the petitioners/appellants would be put to much hardship besides being put to severe monetary loss. On the other hand no prejudice will be caused to the Respondent herein by condoning the delay of 459 days in filing the above appeal."

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

¹(2020) 10 SCC 654



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factual context, Their Lordships of the Supreme Court, observed as
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"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 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



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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 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



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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.

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:

²(2021) 6 SCC 460



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



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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 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

³2025 INSC 1104



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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 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



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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.

It is open for the State 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)
21.01.2026

Index : Yes/No
Internet : Yes/No
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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(sasi)

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