Collector Land Acquisition, Anantnag & Anr. v. Mst. Katiji & Ors.

Condonation of delay under Section 5 of the Indian Limitation Act, 1963 — whether the State is entitled to the same standard of

Date of Order: February 19, 1987
Case Law No: GIB-SC-1987-01
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CASE DESCRIPTION / SUMMARY

Background

The State of Jammu & Kashmir challenged a High Court order that enhanced land acquisition compensation by 800% — from Rs. 1,000 per kanal to Rs. 8,000 per kanal — amounting to an upward revision of nearly Rs. 14 lakhs. The appeal also raised important questions on principles of valuation. The State's appeal before the High Court was filed 4 days beyond the limitation period. The High Court rejected the State's condonation application and dismissed the appeal as time-barred. The State approached the Supreme Court by special leave.

Relevant Facts

The delay of only 4 days arose in the context of a government department operating through an impersonal bureaucratic machinery where no individual officer is personally affected by the judgment under challenge. The High Court, without giving the benefit of this institutional reality, dismissed the appeal solely on the ground of limitation by applying a strict standard. No mala fides or deliberate delay was alleged or found. The State, as appellant, argued that "sufficient cause" within the meaning of Section 5 of the Limitation Act existed for the delay. The matter involved not only a large sum of compensation but also principles of valuation relevant to public interest.

Court Observations (Verbatim)

"*The expression 'sufficient cause' employed by the legislature is adequately elastic to enable the courts to apply the law in a meaningful manner which subserves the ends of justice — that being the life-purpose for the existence of the institution of Courts.*"

"*Refusing to condone delay can result in a meritorious matter being thrown out at the very threshold and cause of justice being defeated. As against this when delay is condoned the highest that can*

happen is that a cause would be decided on merits after hearing the parties."

"'*Every day's delay must be explained' does not mean that a pedantic approach should be made. Why not every hour's delay, every second's delay? The doctrine must be applied in a rational common sense pragmatic manner.*"

"*When substantial justice and technical considerations are pitted against each other, cause of substantial justice deserves to be preferred for the other side cannot claim to have vested right in injustice being done because of a non-deliberate delay.*"

"*There is no presumption that delay is occasioned deliberately, or on account of culpable negligence, or on account of mala fides. A litigant does not stand to benefit by resorting to delay. In fact he runs a serious risk.*"

"*It must be grasped that judiciary is respected not on account of its power to legalize injustice on technical grounds but because it is capable of removing injustice and is expected to do so.*"

"*The doctrine of equality before law demands that all litigants, including the State as a litigant, are accorded the same treatment and the law is administered in an even handed manner. There is no warrant for according a stepmotherly treatment when the 'State' is the applicant praying for condonation of delay.*"

"*Experience shows that on account of an impersonal machinery (no one in charge of the matter is directly hit or hurt by the judgment sought to be subjected to appeal) and the inherited bureaucratic methodology imbued with the note-making, file pushing, and passing-on-the-buck ethos, delay on its part is less difficult to understand though more difficult to approve.*"

"*The State which represents the collective cause of the community, does not deserve a litigant-non-grata status.*"

Final Verdict

High Court order dismissing appeal as time-barred set aside. Delay of 4 days condoned, sufficient cause held to exist. Matter remitted to High Court for disposal on merits after affording opportunity of hearing to both sides. Appeal allowed. No costs awarded.

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