



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3332]

THURSDAY, THE TWENTY THIRD DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

CIVIL REVISION PETITION NO: 617/2024

Between:

1. SURAPURAJU SURESH, S/O. SUBRAMANYAM RAJU, AGED 40 YEARS, HINDU, BUSINESS, D NO. 1/39, BATTIKANDRIGA VILLAGE, VADAMALAPETA MANDAL, CHITTOOR DISTRICT.

...PETITIONER

AND

1. THE DIVISIONAL FOREST OFFICER, KADAPA. YSR KADAPA DISTRICT.

2. THE FOREST RANGE OFFICER, SIDHOUT, YSR KADAPA DISTRICT.

3. THE SUB INSPECTOR OF POLICE, SIDHOUT, YSR KADAPA DISTRICT.

...RESPONDENT(S):

Petition under Article 227 of the Constitution of India, praying that in the circumstances stated in the grounds filed herein, the High Court may be pleased to call for the records relating to order and decree dated 5/2/2024 passed in IA No. 1452/2023 in CMA No. /2023 on the file of Principal District Judge, Kadapa and examine its legality propriety and correctness of the same and consequently set aside the same by allowing the Revision in the interest of justice and to pass necessary order or orders as this Hon'ble Court may deem fit.

Counsel for the Petitioner:

1. T C KRISHNAN

Counsel for the Respondent(S):

1. G.P. FOR APPEALS

The Court made the following:**ORDER:**

Assailing the correctness and legality of the order passed in I.A.No.1452 of 2023 in C.M.A.SR.No.8914 of 2023 by the Principal District Judge, Kadapa, on 05.02.2024, the present Civil Revision Petition is filed.

2. The facts that led to filing of this Revision are that the petitioner is the appellant and the respondents are the respondents in the appeal. The petitioner filed appeal under Section 44 (2-E) of the Andhra Pradesh Forest Act questioning the confiscation order passed by the authorized officer cum Divisional Forest Officer, Kadapa, *vide* Proc.No.OR.No.28/2018-19/A5 dated 22.11.2019. Along with the said appeal, the petitioner filed I.A.No.1452 of 2023 under Order XLI Rule 3(A) (Section 5 of the Limitation Act) duly praying the Court to condone the delay of 572 days in filing the said CMA. The said application/petition was opposed by the respondents by filing counter and prayed to dismiss the I.A. The Court below after hearing the parties, dismissed the said application on the ground that there was negligence on the part of the

petitioner and the delay is abnormal. Assailing the same, the present Civil Revision Petition is filed.

3. Heard Sri T.C.Krishnan, learned counsel for the petitioner and Sri K.Vijay, learned Assistant Government Pleader for Appeals.

4. Learned counsel for the petitioner while reiterating the contents of the affidavit filed in support of the I.A., before the Court below and the grounds of revision submitted that the Court below failed to take into consideration the facts and circumstances of the case in right perspective. He further submitted that pursuant to passing of the orders by the Authorized Officer cum Divisional Forest Officer dated 22.11.2019, the petitioner questioned the said proceedings before this Court by way of writ petition and this Court disposed of the said writ petition giving liberty to the petitioner to pursue alternative remedy of appeal before the concerned District Court. The petitioner immediately filed appeal before the Special Court, however, the same was returned with a direction to approach the District Court, accordingly, the said CMA has been filed. In the meantime, covid pandemic broke out and the entire country was under lock down and further, the petitioner's father died, in those circumstances, there occurred a delay of 572 days in filing the appeal. He further submitted that despite bringing all these facts to the notice of the Court below, the same was not taken due note of and erroneously dismissed the said application holding that the delay is abnormal and

each day's delay was not explained. If the said application is not allowed, the petitioner's rights will be affected and the vehicle which was seized will unnecessarily be spoiled due to exposure to vagaries of weather, accordingly, prayed to allow the CRP and consequently I.A.No.1452 of 2023.

5. On the other hand, Sri K.Vijay, learned Assistant Government Pleader for Appeals while reiterating the contents of the counter filed before the Court below submitted that the petitioner failed to explain each every day delay in filing the appeal and the Court below has rightly dismissed the said application, therefore, there is no illegality nor procedural irregularity in passing the order impugned. He would further submit that the Civil Revision Petition lacks merit and no grounds were raised warranting interference of this Court, accordingly, prayed to dismiss the Civil Revision Petition.

6. Perused the record and considered the submissions made by the learned counsel for the parties.

7. As could be culled out from the facts and circumstances of the case and the submissions made by both the learned counsel, the petitioner's vehicle was seized under the Andhra Pradesh Forest Act alleging that he had committed some offences and to release of the said vehicle, the petitioner filed a writ petition *vide* W.P.No.21256 of 2019 and

this Court disposed of the said writ petition permitting the petitioner to file appeal before appropriate forum under Section 44(2-E). According to the petitioner, pursuant to the said disposal of the writ petition, the petitioner preferred an appeal before the Special Court and the same was returned with a direction to file the same before the District Court and in the meantime, as the Covid Pandemic prevailed and the petitioner's father died during the period appeal could not be filed before the Court below in time and ultimately it was filed with a delay of 572 days and accordingly, filed I.A.No.1452 of 2023 to condone the said delay.

8. The law is well settled that it is not the length of the delay that would be required to be considered while examining the plea for condonation of delay and it is the cause which has to be examined. If the cause for delay would fall within the four corners of the sufficient cause irrespective of the length of delay, the same deserves to be condoned. However, if the cause shown is insufficient, irrespective of the period of delay, the same would not be condoned.

9. The reasons mentioned in the affidavit are sufficient to condone the delay. The Court below failed to see the well settled principle of law while adjudicating the delay application. As there is some procedural infirmity in the order passed by the Court below, the same warrants interference of this Court and the same is liable to be set aside.

10. Accordingly, the order passed in I.A.No.1452 of 2023 in C.M.A.SR.No.8914 of 2023 by the Principal District Judge, Kadapa, on 05.02.2024 is set aside and the delay of 572 days in filing the appeal is condoned with costs of Rs.5,000/- to be paid to the High Court Legal Services Committee within a period of four (04) weeks from today. The Court below is directed to number the appeal and decide accordingly in accordance with law.

11. Accordingly, the Civil Revision Petition is **allowed**. Consequently, I.A.No.1452 of 2023 is allowed. There shall be no order as to costs.

As a sequel, miscellaneous applications pending if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

Date: 23rd April, 2026

RKS