

**State of H. P. & Anr. vs. Krishan Lal & Ors.**

**Item No. D-9**

**CMP(M) No. 1737 of 2025**

**18.11.2025** Present: Ms. Priyanka Chauhan, Deputy Advocate General, for the appellants-State.

Counsel for the appellants-State has placed on record copy of the order dated 10.02.2025, passed by the Apex Court in Special Leave Petition (C) Diary No(s). 45210/2024, in pursuance to the last order.

The present application has been filed for condonation of delay against the judgment dated 04.07.2023, passed by the learned Single Judge in CWP No. 7626 of 2021. The explanation given for delay of 01 year 349 days is that inadvertently an SLP was filed and the same was withdrawn on 10.02.2025 with liberty to avail the Intra-Court appellate remedy before this Court. The affidavit is filed by Superintending Engineer 10<sup>th</sup> Circle, HPPWD, Bilaspur.

We have come across several such appeals filed by the State, which are pending before the Apex Court for a period of over a year and then withdrawn on the ground that the remedy of Letters Patent Appeal has not been availed.

Let an explanation, thus, be given by the State as to why such procedure is being resorted to after being fully aware that the remedy firstly lies here; and why should the Apex Court firstly being approached, and why should the State un-necessarily incur expenses of preparing an SLP and engaging a Counsel and then only getting it dismissed as withdrawn, apart from delaying the result of litigation and

keeping the successful writ petitioner in limbo on the ground that the matter is still pending before the Appellate Court.

Accordingly, let the affidavit be filed by the Secretary (Home) to the Government of Himachal Pradesh, as to why this procedure is being adopted and in how many cases such procedure has been adopted over the last two years and why necessary instructions should not be issued not to file an SLP against the order of learned Single Judge directly before the Apex Court.

List on **23.12.2025**.

**(G. S. Sandhawalia)**  
**Chief Justice**

**(Jiya Lal Bhardwaj)**  
**Judge**

**18<sup>th</sup> November, 2025**

(sanjeev)