

IN THE HIGH COURT OF JHARKHAND AT RANCHI

L.P.A. No. 374 of 2025

The State of Jharkhand, through Secretary, Land & Revenue,
Ranchi & Others Appellants

Versus

Lal Jay Kumar Nath Shahdeo & Another Respondents

CORAM

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellants: Mr. Aditya Raman, A.C. to G.A.-III

For the Respondents: Mr. Mahesh Tewari, Advocate

06/23.03.2026

I.A. No. 9018 of 2025:

1. Heard learned counsel for the parties.
2. The present interlocutory application seeks condonation of delay of 347 days in instituting the present appeal.
3. The respondents have filed counter affidavit contesting the facts and circumstances set out in the present interlocutory application.
4. The applicants have also filed supplementary affidavits in this matter furnishing details in support of the reasons set out in the present interlocutory application.
5. We have considered the averments made in the present interlocutory application, counter affidavit and supplementary affidavits. We have also considered the documents accompanying the affidavits filed by the parties. We are satisfied that this delay is required to be condoned upon payment of cost. The brief reasons for this conclusion are set out hereafter.
6. One of the grounds stated in the present interlocutory application as well as supplementary affidavits is that the subject matter of these proceedings in which the impugned order has been passed by the learned Single Judge was Khata No. 383, Plot Nos. 492 & 496 of Village-Pundag, District-Ranchi. This very property was also

the subject matter of L.P.A. No. 91 of 2019 which was dismissed by the Co-ordinate Bench on 21.01.2021. The State carried the matter further by instituting S.L.P. (C) No. 1608 of 2022 before the Hon'ble Supreme Court.

7. Vide order dated 29.04.2022, the Hon'ble Supreme Court issued notices and directed the parties to maintain status quo with regard to the possession of the property in question. It has been stated in the present interlocutory application that several other petitions have been filed before the Hon'ble Supreme Court in which status quo orders have been passed and the SLPs are pending consideration before the Hon'ble Supreme Court.
8. There is also reference to the directions passed by the Co-ordinate Bench in L.P.A No. 318 of 2022 in the context of issuing rent receipts over the property bearing Khata No. 383.
9. The present interlocutory application states that the appellants were under *bona fide* impression that the orders passed by the Hon'ble Supreme Court in relation to the very same property would prevail over the order passed by the learned Single Judge, which is impugned in the accompanying L.P.A. Therefore, no necessity was felt to immediately prefer an appeal. However, when contempt proceedings were initiated, a decision was taken to appeal the learned Single Judge's order by way of abundant precaution. The present interlocutory application also states about the steps taken for preferring this appeal.
10. In the counter affidavit filed on behalf of the respondents, it is pointed out that the State is still issuing rent receipts and did not experience any difficulties for issuing such rent receipts, despite the status quo orders of the Hon'ble Supreme Court.

11. Mr. Mahesh Tewari, learned counsel for the respondents, referred to the counter affidavit in an attempt to point out that the properties involved in the two above referred litigations were not the same as the properties involved in the present matter.
12. However, upon considering the reply, we are satisfied that the impression the applicants have about the status quo order of the Hon'ble Supreme Court prevailing over the order of the learned Single Judge cannot be deemed unreasonable or merely designed to secure condonation of delay. The issue is not whether this impression is correct or incorrect. In the facts of the present case, this impression cannot be considered *mala fide*; it appears to be *bona fide*, especially given that in the L.P.A., the properties involved were prima facie the same as those involved in the present matter.
13. In the case ***N. Balakrishnan vs M. Krishnamurthy***, reported in ***(1998) 7 SCC 123***, the Hon'ble Supreme Court held that in every case of delay, there may be some lapse on the part of the litigant concerned. That alone is not enough to turn down his plea and shut the door against him. If the explanation does not smack of *mala fides* or is not put forth as part of a dilatory strategy, the Court must show utmost consideration to the suitor. But when there is reasonable ground to think that the delay was occasioned by the party deliberately to gain time, the Court should lean against acceptance of the explanation. While condoning delay, the Court should not forget the opposite party altogether. It must be borne in mind that he is a loser and he too would have incurred quite a large litigation expenses. It would be a salutary guideline that when Courts condone the delay due to laches on the part of the

applicant, the Court shall compensate the opposite party for his loss.

14. In this case, as noted earlier, the explanation given does not smack of any *mala fides*. It cannot be said to be put forth as a part of dilatory strategy. This is also not the case where the State has sought to deliberately gain time by delaying the filing of the L.P.A.
 15. Therefore, upon a cumulative consideration of the above facts and circumstances, we are satisfied that this is a fit case for condoning the delay, subject to the State paying a cost of Rs. 10,000/- to the respondents within four weeks from today. The cost must either be paid or deposited in this Court within four weeks.
 16. At this stage, Mr Mahesh Tewari, learned counsel for the respondents, submits that the respondents do not want the costs of Rs. 10,000/- to be paid, as it would ultimately be paid from the State exchequer. Accordingly, we direct the appellants/applicants to pay this amount in favour of the Advocates' Association Welfare & Development Fund, Jharkhand High Court, Ranchi.
 17. The present interlocutory application is allowed in the above terms.
- L.P.A. No. 374 of 2025:**
18. If the costs are paid or deposited within four weeks, list this matter under the heading "**For Admission**" on 27.04.2026.

(M. S. Sonak, C.J.)

(RAJESH SHANKAR, J.)