

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Civil Review No. 150 of 2025

1. The State of Jharkhand, through the Chief Engineer, Subarnarekha Multipurpose Project, Water Resources Department, Icha-Galudih Complex, Adityapur, Jamshedpur, Saraikela-Kharsawan
2. The Executive Engineer, Irrigation Division, Water Resources Department, Subarnarekha Multipurpose Project, Galudih, East Singhbhum

..... Petitioners

Versus

M/S R.K. Construction Private Limited, Patna (Bihar), through its Director,
Mr. Siraj Ahmed

..... Respondent

CORAM**HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE RAJESH SHANKAR**

For the Petitioners: Mr. Ashutosh Anand, A.A.G.-III

For the Respondent: Mr. M.S. Mittal, Sr. Advocate

Mr. Salona Mittal, Advocate

02/16.12.2025

1. This civil review is directed against the order passed on 25.08.2025 in C.M.P. No. 397 of 2025 whereby this Court had directed the learned Executing Court to dispose of the execution petition filed by the respondent-decree holder as expeditiously as possible and in any event, by 30.11.2025. This direction was issued keeping in view the mandate of law as expounded by the Hon'ble Supreme Court in the cases of ***Rahul S. Shah Vs. Jinendra Kumar Gandhi and Ors.*** reported in ***(2021) 6 SCC 418, M/s. Chopra Fabricators and Manufacturers Private Limited Vs. Bharat Pumps and Compressors Ltd. and Anr.,*** reported in ***(2023) 3 SCC 534*** and the latest judgment of the Hon'ble Supreme Court rendered in the case of ***Periyammal (Dead) through Lrs. and Others Vs. V. Rajamani and Another,*** reported in ***2025 SCC OnLine SC 507.***

2. It is thus evident from the impugned order that this Court did not even remotely touch upon the merits of the case and simply issued the directions to the learned Executing Court for concluding the proceedings expeditiously in terms of the mandate laid down by the Hon'ble Supreme Court, which directions are not only binding upon this Court, but also upon the parties keeping in view the provisions as contained under Article 141 of the Constitution of India.
3. Clearly, this civil review has been filed by the State that too questioning the merits of the case with the sole intention and purpose to stall the proceedings before the learned Executing Court, which cannot be permitted in light of the settled law.
4. We are thus of the considered view that the present civil review has been filed with oblique motive and such petitions cannot be encouraged.
5. The petitioners have acted irresponsibly though they were expected to litigate within expected judicial norms. The petitioners like belligerent litigants could not resist the temptation of litigation and have fought their legal battle as if it was a war. The battle otherwise is "uneven" as on one side is a mighty State whereas on the other side is a Company.
6. In such a case, one is bound to recall to mind the observations made by Hon'ble Supreme Court in **Dilbagh Rai Jerry vs. Union of India, AIR 1974 SC 130**, wherein it was observed as under:-

"25. I feel impelled to make a few observations not on the merits but on governmental disposition to litigation, the present case being symptomatic of a serious deficiency. In this country the State is the largest litigant to-day and the huge expenditure involved make a big draft on the public exchequer. In the contest of expanding dimensions of State activity and responsibility, is it unfair to expect finer sense and sensibility in its litigation policy, the absence of which, in

the present case, has led the Railway callously and cantankerously to resist an action by its own employee a small man, by urging a mere technical plea which has been pursued right up to the summit court here and has been negatived in the judgment just pronounced. Instances of this type are legion as is evidenced by the fact that the Law Commission of India in a recent report on amendments to the Civil Procedure Code has suggested the deletion of Section 80, finding that wholesome provision hardly ever utilised by Government, and has gone further to provide a special procedure for government litigation to highlight the need for an activist policy of just settlement of claims where the State is a party. It is not right for a welfare State like ours to be Janus-faced, and while formulating the humanist project of legal aid to the poor, contest the claims of poor employees under it pleading limitation and the like. That the tendency is chronic flows from certain observations I had made in a Kerala High Court decision, *P.P. Abubacker v. Union of India*, AIR 1972 Ker 103, 107: para 5 which I may usefully excerpt here: "The State under our Constitution, undertakes economic activities in a vast and widening public sector and inevitably get involved in disputes with private individuals. But it must be remembered that the State is no ordinary party trying to win a case against one of its own citizens by hook or by crook; for, the State's interest is to meet honest claims, vindicate a substantial defence and never to score a technical point or overreach a weaker party to avoid a just liability or secure an unfair advantage, simply because legal devices provide such an opportunity. The State is a virtuous litigant and looks with unconcern on immoral forensic successes so that if on the merits the case is weak, government shows a willingness to settle the dispute regardless of prestige and other lesser motivations which move private parties to right in court.

The lay-out on litigation costs and executive time by the State and the agencies is so staggering these days because of the large amount of litigation in which it is involved that a positive and wholesome policy of cutting back on the volume of law suits by the twin methods of not being tempted into forensic show-downs where a reasonable adjustment is feasible and ever offering to extinguish a pending proceeding on just terms, giving the legal mentors of government some initiative and authority in this behalf. I am not indulging in any judicial homily but only echoing the dynamic national policy on State litigation evolved at a Conference of Law Minister of India way back in 1957. This second appeal strikes me as an instance of disregard of that policy.”

7. It must be remembered that the State defined within the ambit of State under Article 12 of the Constitution of India, is not an ordinary party trying to win a case against one of its own citizens by hook or by crook. The State’s interest is to meet honest claims, vindicate a substantial defence and never to score a technical point or overreach a weaker party to avoid a just liability or secure an unfair advantage, simply because legal devices provide such an opportunity.
8. This Court has no hesitation to conclude that public money has been wasted because of the adamant behaviour of the officers of the State due to litigious attitude adopted by those officers in pursuing the instant litigation before this Court.
9. In **Urban Improvement Trust, Bikaner vs. Mohan Lal, (2010) 1 SCC 512**, the Hon’ble Supreme Court has observed that it is a matter of concern that such frivolous and unjust litigations by Governments and statutory authorities are on the increase. It has been further observed that statutory authorities which existed for to discharge statutory functions in public interest should be responsible litigants and cannot raise

frivolous and unjust objections nor act in a callous and high-handed manner. It would be apposite to refer to the relevant observations, which read thus:

"5. It is a matter of concern that such frivolous and unjust litigation by governments and statutory authorities are on the increase. Statutory Authorities exist to discharge statutory functions in public interest. They should be responsible litigants. They cannot raise frivolous and unjust objections, nor act in a callous and highhanded manner. They cannot behave like some private litigants with profiteering motives. Nor can they resort to unjust enrichment. They are expected to show remorse or regret when their officers act negligently or in an overbearing manner. When glaring wrong acts by their officers is brought to their notice, for which there is no explanation or excuse, the least that is expected is restitution/restoration to the extent possible with appropriate compensation. Their harsh attitude in regard to genuine grievances of the public and their indulgence in unwarranted litigation requires to be corrected.

6. This Court has repeatedly expressed the view that the governments and statutory authorities should be model or ideal litigants and should not put forth false, frivolous, vexatious, technical (but unjust) contentions to obstruct the path of justice. We may refer to some of the decisions in this behalf.

7. In Dilbagh Rai Jarry vs. Union of India [1974 (3) SCC 554] where the Hon'ble Supreme Court extracted with approval, the following statement (from an earlier decision of the Kerala High Court (P.P. Abubacker vs. Union of India, AIR 1972 Ker 103, AIR pp. 107-08, para 5]):(SCC p.562, para 25)

"25.....'5."The State, under our Constitution, undertakes economic activities in a vast and widening public sector and

inevitably gets involved in disputes with private individuals. But it must be remembered that the State is no ordinary party trying to win a case against one of its own citizens by hook or by crook; for the State's interest is to meet honest claims, vindicate a substantial defence and never to score a technical point or overreach a weaker party to avoid a just liability or secure an unfair advantage, simply because legal devices provide such an opportunity. The State is a virtuous litigant and looks with unconcern on immoral forensic successes so that if on the merits the case is weak, government shows a willingness to settle the dispute regardless of prestige and other lesser motivations which move private parties to fight in court. The lay-out on litigation costs and executive time by the State and its agencies is so staggering these days because of the large amount of litigation in which it is involved that a positive and wholesome policy of cutting back on the volume of law suits by the twin methods of not being tempted into forensic show-downs where a reasonable adjustment is feasible and ever offering to extinguish a pending proceeding on just terms, giving the legal mentors of government some initiative and authority in this behalf. I am not indulging in any judicial homily but only echoing the dynamic national policy on State litigation evolved at a Conference of Law Ministers of India way back in 1957.' "

8. In Madras Port Trust v. Hymanshu International, (1979) 4 SCC 176 the Hon'ble Supreme Court held: (SCC p. 177, para 2):

"2. It is high time that governments and public authorities adopt the practice of not relying upon technical pleas for the purpose of defeating legitimate claims of citizens and do what is fair and just to the citizens. Of course, if a government or a public authority takes up a technical plea, the Court has to decide it and if the plea is well founded, it has to be upheld by the court, but what we feel is that such a plea should not ordinarily be taken up by a government or a public authority, unless of course the claim is not wellfounded and by reason of delay in filing it, the evidence for the purpose of resisting such a claim has become unavailable...."

9. In a three Judge Bench judgment of Bhag Singh & Ors. v. Union Territory of Chandigarh through LAC, Chandigarh [(1985) 3 SCC 737]: the Hon'ble Supreme Court held: (SCC p. 741, para 3)

"3... The State Government must do what is fair and just to the citizen and should not, as far as possible, except in cases where tax or revenue is received or recovered without protest or where the State Government would otherwise be irretrievably be prejudiced, take up a technical plea to defeat the legitimate and just claim of the citizen."

10. Unwarranted litigation by governments and statutory authorities basically stem from the two general baseless assumptions by their officers. They are:

- (i) All claims against the government/ statutory authorities should be viewed as illegal and should be resisted and fought up to the highest court of the land.

(ii) If taking a decision on an issue could be avoided, then it is prudent not to decide the issue and let the aggrieved party approach the Court and secure a decision.

The reluctance to take decisions, or tendency to challenge all orders against them, is not the policy of the governments or statutory authorities, but is attributable to some officers who are responsible for taking decisions and/or officers in charge of litigation. Their reluctance arises from an instinctive tendency to protect themselves against any future accusations of wrong decision making, or worse, of improper motives for any decision making. Unless their insecurity and fear is addressed, officers will continue to pass on the responsibility of decision making to courts and Tribunals.”

10. In **Mahanadi Coalfields Ltd. and Another vs. Mathias Oram and Others, (2010) 11 SCC 269**, the Hon’ble Supreme Court has observed as under:-

“10. The counter argument goes like this. It is very often the process of development that most starkly confirms the fears expressed by Dr. Ambedkar about our democracy. A blinkered vision of development, complete apathy towards those who are highly adversely affected by the development process and a cynical unconcern for the enforcement of the laws lead to a situation where the rights and benefits promised and guaranteed under the constitution hardly ever reach the most marginalized citizens.

11. This is not to say that the relevant laws are perfect and very sympathetic towards the dispossessed. There are various studies that detail the impact of dispossession from their lands on tribal people. It is pointed out that even when laws relating to land acquisition and resettlement are implemented perfectly and comprehensively (and that happens rarely!),

uncomfortable questions remain. For a people whose lives and livelihoods are intrinsically connected to the land, the economic and cultural shift to a market economy can be traumatic.”

11. In **Gurgaon Gramin Bank vs. Khazani and Another, (2012) 8 SCC**

781, the Hon’ble Supreme Court considered the approach of the Government to litigate and observed as under:-

“2. Number of litigations in our country is on the rise, for small and trivial matters, people and sometimes Central and State Governments and their instrumentalities Banks, nationalized or private, come to courts may be due to ego clash or to save the Officers' skin. Judicial system is over- burdened, naturally causes delay in adjudication of disputes. Mediation centres opened in various parts of our country have, to some extent, eased the burden of the courts but we are still in the tunnel and the light is far away. On more than one occasion, this court has reminded the Central Government, State Governments and other instrumentalities as well as to the various banking institutions to take earnest efforts to resolve the disputes at their end. At times, some give and take attitude should be adopted or both will sink. Unless, serious questions of law of general importance arise for consideration or a question which affects large number of persons or the stakes are very high, courts jurisdiction cannot be invoked for resolution of small and trivial matters. We are really disturbed by the manner in which those types of matters are being brought to courts even at the level of Supreme Court of India and this case falls in that category.”

12. In **Punjab State Power Corporation Ltd., Patiala and Others vs.**

Atma Singh Grewal, (2014) 13 SCC 666, the Hon’ble Supreme Court has noted the facts that the Courts are burdened with unnecessary litigation primarily for the reason that the Government or Public Sector

Undertakings etc. decide to litigate even when there is no merit in the claim. It would be apposite to refer to the relevant observations, which read thus:-

"8. It is not the first time that the Court had to express its anguish. We would like to observe that the mindset of the Government agencies/undertakings in filing unnecessarily appeals was taken note of by the Law Commission of India way back in 1973, in its 54th report. Taking cognizance of the aforesaid report of the Law Commission as well as National Litigation Policy for the States which was evolved at an All India Law Ministers Conference in the year 1972, this Court had to emphasize that there should not be unnecessary litigation or appeals. It was so done in the case of *Mundrika Prasad Singh v. State of Bihar*, 1979 4 SCC 701. We would also like to reproduce the following words of wisdom expressed by Justice V.R. Krishna Iyer, who spoke for the Bench, in *Dilbagh Rai Jarry v. Union of India and Ors.*, 1974 3 SCC 554.

25.....5..... But it must be remembered that the State is no ordinary party trying to win a case against one of its own citizens by hook or by crook; for the State's interest is to meet honest claims, vindicate a substantial defence and never to score a technical point or overreach a weaker party to avoid a just liability or secure an unfair advantage, simply because legal devices provide such an opportunity. The State is a virtuous litigant and looks with unconcern on immoral forensic successes so that if on the merits the case is weak, government shows a willingness to settle the dispute regardless of prestige and other lesser motivations which move private parties to fight in court. The lay out on litigation costs

and executive time by the State and its agencies is so staggering these days because of the large amount of litigation in which it is involved that a positive and wholesome policy of cutting back on the volume of law suits by the twin methods of not being tempted into forensic show downs where a reasonable adjustment is feasible and ever offering to extinguish a pending proceeding on just terms, giving the legal mentors of government some initiative and authority in this behalf.

9. In its 126th Report (1988), the Law Commission of India adversely commented upon the reckless manner in which appeals are filed routinely. We quote hereunder the relevant passage therefrom:

2.5. The litigation is thus sometimes engendered by failing to perform duty as if discharging a trust. Power inheres a kind of trust. The State enjoys the power to deal with public property. That power has to be discharged like a trust keeping in view the interests of the cesti que trust. Failure on this front has been more often commented upon by the court which, if it was taken in the spirit in which it was made, would have long back energised the Government and the public sector to draw up its litigation policy. When entirely frivolous litigation reaches the doorsteps of the Supreme Court, one feels exasperated by the inaction and the policy to do nothingness evidenced by blindly following litigation from court to court. Dismissing a Special Leave Petition by the State of Punjab, the Court observed that the deserved defeat of the State in the courts below demonstrates

the gross indifference of the administration towards litigative diligence. The court then suggested effective remedial measures. It may be extracted:

4. We would like to emphasize that Government must be made accountable by parliamentary Social audit for wasteful litigative expenditure inflicted on the community by inaction. A statutory notice of the proposed action under Section 80 Code of Civil Procedure is intended to alert the state to negotiate a just settlement or at least have the courtesy to tell the potential outsider why the claim is being resisted. Now Section 80 has become a ritual because the administration is often unresponsive and hardly lives up to the parliament's expectation in continuing Section 80 in the Code despite the Central Law Commission's recommendations for its deletion. An opportunity for settling the dispute through arbitration was thrown away by sheer inaction. A litigative policy for the State involves settlement of governmental disputes with citizens in a sense of conciliation rather than in a fighting mood. Indeed, it should be a directive on the part of the State to empower its law officer to take steps to compose disputes rather than continue them in court. We are constrained to make these observations because much of the litigation in which governments are involved adds to the case load accumulation in courts for which there is public criticism. We hope that a more responsive spirit will be brought to bear upon governmental

litigation so as to avoid waste of public money and promote expeditious work in courts of cases which deserve to be attended to.

Nearly a decade has passed since the observations but not a leaf has turned, not a step has been taken, and the Law Commission is asked to deal with the problem.

2.6. A little care, a touch of humanism, a dossier of constitutional philosophy and awareness of futility of public litigation would considerably improve the situation which today is distressing. More often it is found that utterly unsustainable contentions are taken on behalf of Government and public sector undertakings.

10. Even when Courts have, time and again, lamented about the frivolous appeals filed by the Government authorities, it has no effect on the bureaucratic psyche. It is not that there is no realisation at the level of policy makers to curtail unwanted Government litigation and there are deliberations in this behalf from time to time. Few years ago only, the Central Government formulated National Litigation Policy, 2010 with the "vision/mission" to transform the Government into an efficient and responsible litigant. This policy formulated by the Central Government is based on the recognition that it was its primary responsibility to protect the rights of citizens, and to respect their fundamental rights and in the process it should become "responsible litigant". The policy even defines the expression 'responsible litigant' as under:

Responsible litigant" means-

- (i) That litigation will not be resorted to for the sake of litigating.

(ii) That false pleas and technical points will not be taken and shall be discouraged.

(iii) Ensuring that the correct facts and all relevant documents will be placed before the Court.

(iv) That nothing will be suppressed from the Court and there will not attempt to mislead any court or tribunal.

2. That Government must cease to be a compulsive litigant. The philosophy that matters should be left to the courts for ultimate decision has to be discarded. The easy approach, "Let the Court decide", must be eschewed and condemned.

3. The purpose underlying this policy is also to reduce government litigation in courts so that valuable court time would be spent in resolving other pending cases so as to achieve the goal in the national legal mission to reduce average pendency time from 15 years to 3 years. Litigators on behalf of the Government have to keep in mind the principles incorporated in the national mission for judicial reforms which includes identifying bottlenecks which the Government and its agencies may be concerned with and also removing unnecessary government cases. Prioritisation in litigation has to be achieved with particular emphasis on welfare legislation, social reform, weaker sections and senior citizens and other categories requiring assistance must be given utmost priority.

11. This policy recognises the fact that its success will depend upon its strict implementation. Pertinently there is even a provision of accountability on the part of the officers who have to take requisite steps in this behalf. The policy also contains the provision for filing of appeals indicating as to under what circumstances appeal should be filed. In so far as service matters are

concerned, this provision lays down that further proceedings will not be filed in service matters merely because the order of the Administrative Tribunal affects a number of employees. Also, appeals will not be filed to espouse the cause of one section of employees against another.

12. The aforesaid litigation policy was seen as a silver lining to curb unnecessary and uncalled for litigation by this Court in the matter of Urban Improvement Trust, Bikaner v. Mohan Lal, 2010 1 SCC 512 in the following manner:

“11. The Central Government is now attempting to deal with this issue by formulating realistic and practical norms for defending cases filed against the Government and for filing appeals and revisions against adverse decisions, thereby eliminating unnecessary litigation. But it is not sufficient if the Central Government alone undertakes such an exercise. The State Governments and the statutory authorities, who have more litigations than the Central Government, should also make genuine efforts to eliminate unnecessary litigations. Vexatious and unnecessary litigations have been clogging the wheels of justice for too long, making it difficult for courts and tribunals to provide easy and speedy access to justice to bona fide and needy litigants.”

13. Alas, in spite of the Government's own policy and reprimand from this Court, on numerous occasions, there is no significant positive effect on various Government officials who continue to take decision to file frivolous and vexatious appeals. It imposes unnecessary burden on the Courts. The opposite party which has succeeded in the Court below is also made

to incur avoidable expenditure. Further, it causes delay in allowing the successful litigant to reap the fruits of the judgment rendered by the Court below

14. No doubt, when a case is decided in favour of a party, the Court can award cost as well in his favour. It is stressed by this Court that such cost should be in real and compensatory terms and not merely symbolic. There can be exemplary costs as well when the appeal is completely devoid of any merit. [See Rameshwari Devi and Ors. v. Nirmala Devi and Ors., 2011 8 SCC 249]. However, the moot question is as to whether imposition of costs alone will prove deterrent? We don't think so. We are of the firm opinion that imposition of cost on the State/PSU's alone is not going to make much difference as the officers taking such irresponsible decisions to file appeals are not personally affected because of the reason that cost, if imposed, comes from the government's coffers. Time has, therefore, come to take next step viz. recovery of cost from such officers who take such frivolous decisions of filing appeals, even after knowing well that these are totally vexatious and uncalled for appeals. We clarify that such an order of recovery of cost from the concerned officer be passed only in those cases where appeal is found to be ex-facie frivolous and the decision to file the appeal is also found to be palpably irrational and uncalled for.

13. In **Subrata Roy Sahara vs. Union of India and Others, (2014) 8 SCC 470**, it has been observed by the Hon'ble Supreme Court that the State and its agencies litigate endlessly just because lack of responsibility to take decision. It was observed as under:-

"This abuse of the judicial process is not limited to any particular class of litigants. The State and its agencies litigate endlessly up to the highest Court just because of the lack of responsibility to take decisions. So much

so that we have started to entertain the impression that all administrative and executive decision-making are being left to courts just for that reason. In private litigation as well, the litigant concerned would continue to approach the higher Court, despite the fact that he had lost in every court hithertobefore. The effort is not to discourage a litigant in whose perception his cause is fair and legitimate. The effort is only to introduce consequences if the litigant's perception was incorrect and if his cause is found to be not fair and legitimate, he must pay for the same. In the present setting of the adjudicatory process, a litigant no matter how irresponsible he is, suffers no consequences. Every litigant, therefore, likes to take a chance even when counsel's advice is otherwise."

14. Similar reiteration of law can be found in a judgment of the Hon'ble Supreme Court in **Rajendra Shankar Shukla and Others vs. State of Chhattisgarh and Others, (2015) 10 SCC 400**, wherein again while referring to the earlier decision in **Hymanshu's** case (supra), the Hon'ble Supreme Court has held in para 32 as under:

"32. Further, this Court has frowned upon the practice of the Government to raise technical pleas to defeat the rights of the citizens in *Madras Port Trust vs. Hymanshu International* (1979) 4 SCC 176, wherein it was opined that it is about time that governments and public authorities adopt the practice of not relying upon technical pleas for the purpose of defeating legitimate claims of citizens and do what is fair and just to the citizens. Para 2 from the said case reads thus :- (SCC p.177)

"2. We do not think that this is a fit case where we should proceed to determine whether the claim of the respondent was barred by Section 110 of the Madras Port Trust Act (2 of 1905). The plea of limitation

based on this section is one which the court always looks upon with disfavour and it is unfortunate that a public authority like the Port Trust should, in all morality and justice, take up such a plea to defeat a just claim of the citizen. It is high time that governments and public authorities adopt the practice of not relying upon technical pleas for the purpose of defeating legitimate claims of citizens and do what is fair and just to the citizens. Of course, if a government or a public authority takes up a technical plea, the Court has to decide it and if the plea is well-founded, it has to be upheld by the court, but what we feel is that such a plea should not ordinarily be taken up by a government or a public authority, unless of course the claim is not wellfounded and by reason of delay in filing it, the evidence for the purpose of resisting such a claim has become unavailable. Here, it is obvious that the claim of the respondent was a just claim supported as it was by the recommendation of the Assistant Collector of Customs and hence in the exercise of our discretion under Article 136 of the Constitution, we do not see any reason why we should proceed to hear this appeal and adjudicate upon the plea of the appellant based on Section 110 of the Madras Port Trust Act (2 of 1905)."

15. In **Bhusawal Municipal Council vs. Nivrutti Ramchandra Phalak and Others, (2015) 14 SCC 327**, the Hon'ble Supreme Court considered the plight of farmers effected by land acquisition and creation of compulsive situation to avoid luxurious litigation instituted or the circumstances created by the State. It shall be apposite to refer to the

relevant observations as contained in paras 16 to 17 of the judgment, which read as under:-

"16. The judicial process of the court cannot subvert justice for the reason that the court exercises its jurisdiction only in furtherance of justice. The State/authority often drags poor uprooted claimants even for payment of a paltry amount upto this Court, wasting the public money in such luxury litigation without realising that poor citizens cannot afford the exorbitant costs of litigation and, unfortunately, no superior officer of the State is accountable for such unreasonable conduct. It would be apt to quote the well known words of Justice Brennan:

"Nothing rankles more in the human heart than a brooding sense of injustice. Illness we can put up with. But injustice makes us want to pull things down. When only the rich can enjoy the law, as a doubtful luxury, and the poor, who need it most, cannot have it because its expense puts it beyond their reach, the threat to the continued existence of free democracy is not imaginary but very real, because democracy's very life depends upon making the machinery of justice so effective that every citizen shall believe in and benefit by its impartiality and fairness."

17. The fundamental right of a farmer to cultivate his land is a part of right to livelihood "Agricultural land is the foundation for a sense of security and freedom from fear. Assured possession is a lasting source for peace and prosperity." India being predominantly an agricultural society, there is a "strong linkage between the land and the person's status in the social system."

"10.....A blinkered vision of development, complete apathy towards those who are highly adversely affected by the development process and a cynical

unconcern for the enforcement of the laws lead to a situation where the rights and benefits promised and guaranteed under the Constitution hardly ever reach the most marginalised citizens. For people whose lives and livelihoods are intrinsically connected to the land, the economic and cultural shift to a market economy can be traumatic."

(Vide: Mahanadi Coal Fields Ltd. & Anr. v. Mathias Oram & Ors., 2010 11 SCC 269; and Narmada Bachao Andolan v. State of Madhya Pradesh & Anr., 2011 AIR(SC) 1989) 18. A farmer's life is a tale of continuous experimentation and struggle for existence. Mere words or a visual can never convey what it means to live a life as an Indian farmer. Unless one experiences their struggle, that headache he will never know how it feels. The risks faced by the farming community are many; they relate to natural calamities such as drought and floods; high fluctuation in the prices of input as well as output, over which he has no control whatsoever; a credit system which never extends a helping hand to the neediest; domination by middlemen who enjoy the fruits of a farmer's hard work; spurious inputs, and the recent phenomenon of labour shortages, which can be conveniently added to his tale of woes. Of late, there have been many cases of desperate farmers ending their lives in different parts of the country. The Principles of Economics provides for the producer of a commodity to determine his prices but an Indian farmer perhaps is the only exception to this principle of economics, for even getting a decent price for their produce is difficult for them."

16. Time and again, the Courts have been expressing their displeasure at the Governments'/public sector undertakings' compulsive litigation habit, but a solution to this alarming trend is a distant dream. The judiciary is now imposing costs upon the Government/Public Sector undertaking not only

when it pursues cases which can be avoided, but also when it forces the public to do so. The precise time, effort and other resources go down the drain in vain.

17. This situation is best described by the Hon'ble Delhi High Court in **National Textile Corporation vs. Kunj Behari Lal, (2011) 167 Comp Cas 29 (Delhi)**, wherein it was observed as under:-

"18. Present petition is most bogus and frivolous one and has been filed just to squander public money and to harass a common man who committed blunder by giving his property on rent to the mighty public undertaking. It is a well-known fact that courts across the country are saddled with large number of cases. Public Sector undertakings indulgences further burden them. Time and again, courts have been expressing their displeasure at the Governments/Public Sector undertakings compulsive litigation habit but a solution to this alarming trend is a distant dream. The judiciary is now imposing costs upon Government/Public Sector undertakings not only when it pursue cases which can be avoided but also when it forces the public to do so.

19. Public Sector undertakings spent more money on contesting cases than the amount they might have to pay with regard to the premises which have been taken on rent by them. In addition there to, precious time, effort and other resources go down the drain in vain. Public Sector undertakings are possibly an apt example of being penny wise, pound foolish. Rise in frivolous litigation is also due to the fact that Public Sector undertakings though having large number of legal personnel under their employment, do not examine the cases properly and force poor litigants to approach the court.

20. Frivolous litigation clogs the wheels of justice making it difficult for courts to provide easy and speedy justice to the genuine litigants. Public Sector

undertakings should not indulge in mindless litigation and unnecessary waste the time and public exchequer's money. A strong message is required to be sent to those litigants (whether Government or Private) who are in the habit of challenging each and every order of the trial court even if the same is based on sound reasoning and also to those litigants who go on filling frivolous applications one after another."

18. We have no hesitation to conclude that public money is being wasted because of adamant behaviour of the Officers of the State due to the litigious attitude adopted by these Officers in pursuing avoidable litigation and trying to justify their action/inaction which is otherwise not at all justifiable.

19. Merely because the Officers of the State Government do not have to pay for the litigation from their own pocket, they cannot be permitted to file frivolous petitions as observed by the Hon'ble Supreme Court in Special Leave Petition (Civil) Nos. 20070 and 30326 of 2023 in case titled as **Special Land Acquisition Officer vs. Vithal Rao**, decided on 6th September, 2023 which reads as under:-

"1. Delay condoned.

2. We deprecate the practice of filing such a frivolous petition after the award passed by the Reference Court has attained finality before this Court. The landowners were, thereafter, required to file execution proceedings before the competent authority. The Executing Court passed an order directing payment to the landowners.

3. The petitioner-State did not stop at that and they further challenged that order before the High Court. The High Court by the impugned order directed the petitioner(s) to make the payment of compensation.

4. Even the High Court's order directing payment to the landowners is now challenged by way of special leave petition.

5. Merely because the officers of the State Government, do not have to pay for the litigation from their own pocket, they cannot be permitted to file such frivolous petitions and harass the landowners, who have already lost their valuable land.

6. The special leave petitions are, therefore, dismissed with cost quantified at Rs.5,00,000/- (Rupees Five Lakhs Only) to be paid within four weeks from the date of this order. The cost of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand Only) shall be deposited in the Supreme Court Advocates-on-Record Association to be used for the purpose of Library and the cost of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand Only) shall be deposited with the Supreme Court Bar Association Advocates Welfare Fund."

20. The officials of the State Government have been totally oblivious to the fact that the State defined within the ambit of Article 12 of the Constitution of India, is not an ordinary party trying to win a case against one of its own citizens by hook or crook. The State interest is to meet honest claims, vindicate or substantial defence and never to score a technical point or overreach a weaker party to avoid a just liability or secure an unfair advantage, simply because legal devices provide such opportunity.
21. It is high time that we restrain the State and its agencies from litigating endlessly just because of lack of responsibility to take decisions by its Officers and direct that henceforth all the litigations on the appellate or revisional side at the behest of the State shall be initiated only after following the Jharkhand State Litigation Policy and certificate to this effect shall be appended with the appeal/second appeal/revision petition, including petition under Article 227 of the Constitution of India, or else,

such litigation would ordinarily not be entertained, unless an affidavit of the Department Head or the Secretary concerned, as the case may be, is filed setting out therein cogent reasons as to why the provisions of the Litigation Policy have not been adhered to, or else, the Courts may be constrained to follow the course of action as adopted by the Hon'ble Supreme Court while deciding S.L.P. (C) No. 3398 of 2024 titled as **State of Rajasthan and Others vs. Gopal Bijawat**, on 16th February, 2024, wherein it was held as under:-

"The respondent was reinstated by the Labour Court in the year 2001 and the writ petition filed by the State of Rajasthan was dismissed. Thereafter, continuously the respondent has been compelled to file repeated litigation in order to get the fruits of the award of the Labour Court. The State of Rajasthan has now come up in Special Leave Petition against the orders passed by the learned Single Judge and the Division Bench directing for implementation of the said award.

It is unfortunate that the State of Rajasthan has been harassing the poor litigant, a part-time labourer, who was extended benefits by the Labour Court in the year 2001, i.e. for the last 22 years he has been litigating. This is totally a frivolous petition. It is, accordingly, dismissed with costs of Rs.10,00,000/- (Rupees ten lakhs only) to be paid to the respondent within four weeks from today and file proof of such payment before this Court within six weeks."

22. The instant civil review is most bogus and frivolous, where public money has been squandered and the respondent-company has been harassed. It is a well-known fact that the Courts across the country are saddled with large number of cases and the petitioners unfortunately have indulged in further burdening the Court.

23. Accordingly, the present civil review is dismissed with a cost of Rs.1,00,000/- (Rupees One Lakh) to be deposited by all the petitioners out of their own pocket within a period of four weeks with the Jharkhand State Legal Services Authority (JHALSA), Ranchi.
24. Pending interlocutory application stands disposed of.
25. For compliance to come up on 20.01.2026.

(TARLOK SINGH CHAUHAN, C.J.)

(RAJESH SHANKAR, J.)

16.12.2025
Satish/Vikas
Uploaded on 17.12.2025