



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 24TH DAY OF FEBRUARY, 2026
PRESENT
THE HON'BLE MRS. JUSTICE ANU SIVARAMAN
AND
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT APPEAL NO.213/2022 (LA-BDA)

BETWEEN:

THE COMMISSIONER
BANGALORE DEVELOPMENT AUTHORITY
T. CHOWDAIAH ROAD
KUMARA PARK WEST
BANGALORE-560 001.

...APPELLANT

(BY SRI. MURUGESH V. CHARATI, ADV.,)

AND:

1. THE STATE OF KARNATAKA
BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT AUTHORITY
BANGALORE-560 001.
2. SMT. LAKSHMAMMA
W/O LATE MUNISHAMAPPA
AGED ABOUT 84 YEARS.
3. SRI. BASAVARAJ
S/O LATE MUNISHAMAPPA
AGED ABOUT 49 YEARS.

R2 & R3 ARE R/AT VADDARAPALYA
KUTHNUR VILLAGE





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UTTARAHALLI HOBLI
BANGALORE NORTH TALUK
BANGALORE-560 083.

...RESPONDENTS

(BY SMT. PRAMODHINI KISHAN, AGA FOR R1
R2 & R3 SERVICE OF NOTICE IS H/S V.C.O.DTD:18.12.2025)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER DATED 01.03.2014 PASSED BY THE HON'BLE LEARNED SINGLE JUDGE IN WP No.991-992/2013 AND ALLOW THE WRIT APPEAL BY DISMISSING THE WRIT PETITION & ETC.

THIS WRIT APPEAL HAVING BEEN HEARD AND RESERVED ON 18.02.2026, COMING ON FOR PRONOUNCEMENT OF JUDGMENT, THIS DAY **VIJAYKUMAR A. PATIL J.**, DELIVERED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL)

This intra-Court appeal is filed by the appellant-Bangalore Development Authority (BDA) under Section 4 of the Karnataka High Court Act, 1961, challenging the order dated 01.03.2014 passed by the learned Single Judge in W.P.Nos.991-992/2013 (LA-BDA).



2. The brief facts leading to the filing of this appeal are that respondent Nos.2 and 3 filed a writ petition seeking to issue writ in the nature of mandamus to the appellant not to enforce the scheme called "Jayaprakashnarayan Nagar 8th Stage" as against the petitioners land bearing Sy.No.31/8 measuring 2 acre of Kuthnur Village, Uttarahalli Hobil, Bangalore South Taluk, declaring that the acquisition has lapsed. The appellant filed objections to said petition contending that the acquisition proceedings is concluded by passing the award, taking possession of the land in question and the compensation amount is also deposited. The learned Single Judge under the impugned order allowed the writ petition by declaring that the scheme has lapsed insofar the petitioners' land is concerned on the ground that there is enormous delay in drawing the mahazar and passing of the award from the date of final notification. Being aggrieved, the BDA is in appeal along with an application



seeking for condonation of delay of 2162 days in filing the appeal.

3. Sri.Murugesh V.Charati, learned counsel appearing for the appellant-BDA submits that the appeal is filed along with an application seeking for condonation of delay of 2162 days in filing the appeal. It is submitted that the delay in filing the appeal occurred due to the administrative and procedural reasons within the BDA. It is further submitted that the writ petition was allowed on 01.03.2014 and the advocate appearing for the BDA did not inform the BDA about the disposal of the matter and when the law section sought the update of the case from the advocate, it is noticed that the writ petition was allowed and immediately instructions were issued to prefer an appeal, hence, there is delay. It is also submitted that the delay in filing the appeal is unintentional and for the bonafide reasons as stated in the affidavit. It is contended that the acquisition proceedings were completed by taking possession and passing of the award; the learned Single



Judge has erred in declaring that the acquisition is lapsed insofar as petitioners land is concerned. It is further contended that there cannot be a lapse of acquisition proceedings under Section 27 of Bangalore Development Authority, Act, 1976 (for short, '**Act**'). The lapse of acquisition referred under the Act is with regard to the scheme and not a particular land and appellant-BDA has good case on merits. He seeks to condone the delay.

4. Though notice is served on the respondent Nos.2 and 3, they remained absent.

5. Learned Additional Government Advocate submits that the delay may be condoned and the appeal may be taken up on merits.

6. We have heard the arguments of the learned counsel for the appellant-BDA, the learned Additional Government Advocate for the respondent No.1 and meticulously perused the affidavits accompanying the



application for condonation of delay and other material available on record.

7. The appellant has filed an affidavit in support of an application filed under Section 5 of the Limitation Act, 1963, seeking for condonation of delay. On perusal of the affidavit filed in support of the application for condonation of delay, it is noticed that the cause shown by the appellant-BDA is that on 01.03.2014 the learned Single Judge has passed the order declaring that the acquisition has lapsed insofar as the property in question. It is deposed that the order of the learned Single Judge was not communicated to the appellant-BDA by the advocate appearing on their behalf in the writ proceedings and when the Commissioner, BDA, has directed the law section and the advocates to update the status of the cases, at that juncture, it was noticed by the law section of BDA that the above mentioned case was disposed of and there is an order of learned Single Judge. It is further deposed that the law officer of the BDA was of the opinion that it is a



case to prefer an appeal and the matter was entrusted to panel counsel as per instruction to file an appeal, memo dated 11.02.2022, and thereafter the appeal was filed. It is to be noticed that the appellant tried to show the cause to condone the delay of 2162 days delay in filing the appeal by stating that the appellant's advocate did not intimate about the disposal of the writ petition. The said statement is not supported by the affidavit of the learned counsel who has represented the appellant before the learned Single Judge. It is not forthcoming from the records as to what steps have been taken by the appellant against the counsel for his lapses, in the absence of such material the self-serving statement of the deponent cannot be accepted. Further, it is deposed that the Commissioner has directed the law section to secure the update status of the cases from the panel counsel and they came to know about passing of the order by the learned Single Judge. Again the said statement is not supported with any acceptable document to substantiate the same. It is not



forthcoming as to when the Commissioner, BDA has instructed to secure the status of the case to the law section and when the law section sought the status from the panel counsel or whether the law section itself had checked the status of case and came to know about allowing of the writ petition. There is absolutely no acceptable justification in the affidavit, which can be called as a "sufficient cause" to condone the delay of almost six (06) years in filing an appeal.

8. The explanation offered reflects negligence and lack of proper follow-up. Condoning such an inordinate delay would prejudice the rights of the respondents and defeat the object of the law of limitation. In our considered view, the cause shown in the affidavit is not at all sufficient to condone the delay of almost six (06) years in filing the appeal.

9. The Hon'ble Supreme Court in the following cases has laid down the law with regard to consideration



of the application for condonation of delay. In the judgment in **BASAWARAJ AND ANOTHER Vs. SPECIAL LAND ACQUISITION OFFICER¹**, the Hon'ble Supreme Court in paragraph Nos.11 to 15 held as under:

"11. The expression "sufficient cause" should be given a liberal interpretation to ensure that substantial justice is done, but only so long as negligence, inaction or lack of bona fides cannot be imputed to the party concerned, whether or not sufficient cause has been furnished, can be decided on the facts of a particular case and no straitjacket formula is possible. (Vide Madanlal v. Shyamlal [(2002) 1 SCC 535 : AIR 2002 SC 100] and Ram Nath Sao v. Gobardhan Sao [(2002) 3 SCC 195 : AIR 2002 SC 1201] .)

12. It is a settled legal proposition that law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes. The court has no power to extend the period of limitation on equitable grounds. "A result flowing from a statutory provision is never an evil. A court has no power to ignore that provision to relieve what it

¹ (2013) 14 SCC 81



*considers a distress resulting from its operation." The statutory provision may cause hardship or inconvenience to a particular party but the court has no choice but to enforce it giving full effect to the same. The legal maxim *dura lex sed lex* which means "the law is hard but it is the law", stands attracted in such a situation. It has consistently been held that, "inconvenience is not" a decisive factor to be considered while interpreting a statute.*

13. *The statute of limitation is founded on public policy, its aim being to secure peace in the community, to suppress fraud and perjury, to quicken diligence and to prevent oppression. It seeks to bury all acts of the past which have not been agitated unexplainably and have from lapse of time become stale. According to Halsbury's Laws of England, Vol. 28, p. 266:*

"605. Policy of the Limitation Acts.—The courts have expressed at least three differing reasons supporting the existence of statutes of limitations namely, (1) that long dormant claims have more of cruelty than justice in them, (2) that a defendant might have lost the evidence to disprove a stale claim, and (3) that persons with good causes of actions should pursue them with reasonable diligence."

*An unlimited limitation would lead to a sense of insecurity and uncertainty, and therefore, limitation prevents disturbance or deprivation of what may have been acquired in equity and justice by long enjoyment or what may have been lost by a party's own inaction, negligence or laches. (See *Popat and Kotecha Property v.**



SBI Staff Assn. [(2005) 7 SCC 510] , Rajender Singh v. Santa Singh [(1973) 2 SCC 705 : AIR 1973 SC 2537] and Pundlik Jalam Patil v. Jalgaon Medium Project [(2008) 17 SCC 448 : (2009) 5 SCC (Civ) 907] .)

14. *In P. Ramachandra Rao v. State of Karnataka [(2002) 4 SCC 578 : 2002 SCC (Cri) 830 : AIR 2002 SC 1856] this Court held that judicially engrafting principles of limitation amounts to legislating and would fly in the face of law laid down by the Constitution Bench in Abdul Rehman Antulay v. R.S. Nayak [(1992) 1 SCC 225 : 1992 SCC (Cri) 93 : AIR 1992 SC 1701] .*

15. *The law on the issue can be summarised to the effect that where a case has been presented in the court beyond limitation, the applicant has to explain the court as to what was the "**sufficient cause**" which means an adequate and enough reason which prevented him to approach the court within limitation. In case a party is found to be negligent, or for want of bona fide on his part in the facts and circumstances of the case, or found to have not acted diligently or remained inactive, there cannot be a justified ground to condone the delay. No court could be justified in condoning such an inordinate delay by imposing any condition whatsoever. The application is to be decided only within the parameters laid down by this*



Court in regard to the condonation of delay. In case there was no sufficient cause to prevent a litigant to approach the court on time condoning the delay without any justification, putting any condition whatsoever, amounts to passing an order in violation of the statutory provisions and it tantamounts to showing utter disregard to the legislature."

(Emphasis supplied)

10. In the case of ***SHEO RAJ SINGH Vs. UNION OF INDIA AND OTHERS²***, the Hon'ble Supreme Court has held in paragraph Nos.30 to 36 as under:

"30. Considering the aforementioned decisions, there cannot be any quarrel that this Court has stepped in to ensure that substantive rights of private parties and the State are not defeated at the threshold simply due to technical considerations of delay. However, these decisions notwithstanding, we reiterate that condonation of delay being a discretionary power available to courts, exercise of discretion must necessarily depend upon the sufficiency of the cause shown and the degree of acceptability of the explanation, the length of delay being immaterial.

² (2023) 10 SCC 531



31. *Sometimes, due to want of sufficient cause being shown or an acceptable explanation being proffered, delay of the shortest range may not be condoned whereas, in certain other cases, delay of long periods can be condoned if the explanation is satisfactory and acceptable. Of course, the courts must distinguish between an "explanation" and an "excuse". An "explanation" is designed to give someone all of the facts and lay out the cause for something. It helps clarify the circumstances of a particular event and allows the person to point out that something that has happened is not his fault, if it is really not his fault. **Care must, however, be taken to distinguish an "explanation" from an "excuse".** Although people tend to see "explanation" and "excuse" as the same thing and struggle to find out the difference between the two, there is a distinction which, though fine, is real.*

32. *An "excuse" is often offered by a person to deny responsibility and consequences when under attack. It is sort of a defensive action. Calling something as just an "excuse" would imply that the explanation proffered is believed not to be true. Thus said, there is no formula that caters to all situations and, therefore, each case for condonation of delay based on existence or absence of sufficient cause has to be decided on its own facts. At this stage, we cannot*



but lament that it is only excuses, and not explanations, that are more often accepted for condonation of long delays to safeguard public interest from those hidden forces whose sole agenda is to ensure that a meritorious claim does not reach the higher courts for adjudication.

33. *Be that as it may, it is important to bear in mind that we are not hearing an application for condonation of delay but sitting in appeal over a discretionary order of the High Court granting the prayer for condonation of delay. In the case of the former, whether to condone or not would be the only question whereas in the latter, whether there has been proper exercise of discretion in favour of grant of the prayer for condonation would be the question. Law is fairly well-settled that "a court of appeal should not ordinarily interfere with the discretion exercised by the courts below". If any authority is required, we can profitably refer to the decision in *Manjunath Anandappa v. Tammanasa* [*Manjunath Anandappa v. Tammanasa*, (2003) 10 SCC 390] , which in turn relied on the decision in *Gujarat Steel Tubes Ltd. v. Gujarat Steel Tubes Mazdoor Sabha* [*Gujarat Steel Tubes Ltd. v. Gujarat Steel Tubes Mazdoor Sabha*, (1980) 2 SCC 593 : 1980 SCC (L&S) 197] where it has been held that:*



"an appellate power interferes not when the order appealed is not right but only when it is clearly wrong".

34. *The order under challenge in this appeal is dated 21-12-2011 [Union of India v. Sheo Raj, 2011 SCC OnLine Del 5511] . It was rendered at a point of time when the decisions in Katiji [Collector (LA) v. Katiji, (1987) 2 SCC 107] , Ramegowda [G. Ramegowda v. LAO, (1988) 2 SCC 142] , Chandra Mani [State of Haryana v. Chandra Mani, (1996) 3 SCC 132] , K.V. Ayisumma [Tehsildar (LA) v. K.V. Ayisumma, (1996) 10 SCC 634] and Lipok AO [State of Nagaland v. Lipok Ao, (2005) 3 SCC 752 : 2005 SCC (Cri) 906] were holding the field. It is not that the said decisions do not hold the field now, having been overruled by any subsequent decision. Although there have been some decisions in the recent past [State of M.P. v. Bherulal [State of M.P. v. Bherulal, (2020) 10 SCC 654 : (2021) 1 SCC (Civ) 101 : (2021) 1 SCC (Cri) 117 : (2021) 1 SCC (L&S) 84] is one such decision apart from University of Delhi [University of Delhi v. Union of India, (2020) 13 SCC 745]] which have not accepted governmental lethargy, tardiness and indolence in presenting appeals within time as sufficient cause for condonation of delay, yet, the exercise of discretion by the High Court has to be tested on the anvil of the liberal and justice oriented approach expounded in*



the aforesaid decisions which have been referred to above.

35. *We find that the High Court in the present case assigned the following reasons in support of its order:*

35.1. *The law of limitation was founded on public policy, and that some lapse on the part of a litigant, by itself, would not be sufficient to deny condonation of delay as the same could cause miscarriage of justice.*

35.2. *The expression "sufficient cause" is elastic enough for courts to do substantial justice. Further, when substantial justice and technical considerations are pitted against one another, the former would prevail.*

35.3. *It is upon the courts to consider the sufficiency of cause shown for the delay, and the length of delay is not always decisive while exercising discretion in such matters if the delay is properly explained. Further, the merits of a claim were also to be considered when deciding such applications for condonation of delay.*

35.4. *Further, a distinction should be drawn between inordinate unexplained delay and explained delay,*



where in the present case, the first respondent had sufficiently explained the delay on account of negligence on part of the government functionaries and the government counsel on record before the Reference Court.

35.5. *The officer responsible for the negligence would be liable to suffer and not public interest through the State. The High Court felt inclined to take a pragmatic view since the negligence therein did not border on callousness.*

36. *Given these reasons, we do not consider discretion to have been exercised by the High Court in an arbitrary manner. The order under challenge had to be a clearly wrong order so as to be liable for interference, which it is not."*

(Emphasis supplied)

11. The Hon'ble Supreme Court in the aforesaid judgments has taken note of its earlier judgment in the case of **KATIJI** referred to *supra* and held that the approach of the Courts in condoning the delay should be pragmatic when sufficient cause is shown. In the instant case, the cause shown by the appellants is not sufficient to condone the enormous delay of nearly 6 years.



12. It would also be useful to refer to the another judgment of the Hon'ble Supreme Court in the case of ***PATHAPATI SUBBA REDDY Vs. SPECIAL DEPUTY COLLECTOR (LA)***³, wherein the Hon'ble Supreme Court has held in paragraph Nos.15, 16, 17 and 26 as under:

"15. It is in the light of the public policy upon which law of limitation is based, the object behind the law of limitation and the mandatory and the directory nature of Section 3 and Section 5 of the Limitation Act that we have to examine and strike a balance between Section 3 and Section 5 of the Limitation Act in the matters of condoning the delay.

16. Generally, the courts have adopted a very liberal approach in construing the phrase 'sufficient cause' used in Section 5 of the Limitation Act in order to condone the delay to enable the courts to do substantial justice and to apply law in a meaningful manner which subserves the ends of justice. In Collector, Land Acquisition, Anantnag v. Katiji², this Court in advocating the liberal approach in condoning the delay for 'sufficient cause' held that ordinarily a litigant does not stand to benefit by

³ 2024 SCCOnline SC 513



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lodging an appeal late; it is not necessary to explain every day's delay in filing the appeal; and since sometimes refusal to condone delay may result in throwing out a meritorious matter, it is necessary in the interest of justice that cause of substantial justice should be allowed to prevail upon technical considerations and if the delay is not deliberate, it ought to be condoned. Notwithstanding the above, howsoever, liberal approach is adopted in condoning the delay, existence of 'sufficient cause' for not filing the appeal in time, is a condition precedent for exercising the discretionary power to condone the delay. The phrases 'liberal approach', 'justice-oriented approach' and cause for the advancement of 'substantial justice' cannot be employed to defeat the law of limitation so as to allow stale matters or as a matter of fact dead matters to be revived and re-opened by taking aid of Section 5 of the Limitation Act.

17. *It must always be borne in mind that while construing 'sufficient cause' in deciding application under Section 5 of the Act, that on the expiry of the period of limitation prescribed for filing an appeal, substantive right in favour of a decree-holder accrues and this right ought not to be lightly disturbed. The decree-holder treats the decree to be*



binding with the lapse of time and may proceed on such assumption creating new rights.

26. *On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that:*

(i) Law of limitation is based upon public policy that there should be an end to litigation by forfeiting the right to remedy rather than the right itself;

(ii) A right or the remedy that has not been exercised or availed of for a long time must come to an end or cease to exist after a fixed period of time;

(iii) The provisions of the Limitation Act have to be construed differently, such as Section 3 has to be construed in a strict sense whereas Section 5 has to be construed liberally;

(iv) In order to advance substantial justice, though liberal approach, justice-oriented approach or cause of substantial justice may be kept in mind but the same cannot be used to defeat the substantial law of limitation contained in Section 3 of the Limitation Act;



(v) Courts are empowered to exercise discretion to condone the delay if sufficient cause had been explained, but that **exercise of power is discretionary in nature and may not be exercised even if sufficient cause is established for various factors such as, where there is inordinate delay, negligence and want of due diligence;**

(vi) **Merely some persons obtained relief in similar matter, it does not mean that others are also entitled to the same benefit if the court is not satisfied with the cause shown for the delay in filing the appeal;**

(vii) **Merits of the case are not required to be considered in condoning the delay; and**

(viii) Delay condonation application has to be decided on the parameters laid down for condoning the delay and condoning the delay for the reason that the conditions have been imposed, tantamounts to disregarding the statutory provision."

(emphasis supplied)



13. The Hon'ble Supreme Court in the aforesaid judgments has considered its earlier judgments in the case of **KATIJI** and **BASAWARAJ AND ANOTHER** referred to *supra* and held that the phrases 'liberal approach', 'justice oriented approach' and 'cause for advancement of substantial justice' cannot be employed to defeat the law of limitation so as to allow the stale matter to be revived and reopened by taking shelter under Section 5 of the Limitation Act. Further, it has been held that no Courts would be justified in condoning such an inordinate delay.

14. Keeping in mind the enunciation of law laid down by the Hon'ble Supreme Court referred to *supra*, we are of the considered view that the appellant has failed to show sufficient cause to condone the enormous delay of 2162 days. The averments made in the affidavit accompanying the application for condonation of delay are extremely vague and do not provide a satisfactory explanation to condone such an enormous delay. The condoning of such an enormous delay as sought by the



appellants is nothing but a revival of the dead right of the appellants. If such an application for condonation of delay is entertained, without any sufficient cause, it would confer a right in favour of the litigant who lacks *bona fides* and who is not diligent about his rights. Such an approach would defeat the very object of law of limitation and allowing the application would run contrary to the public policy and cause great injustice to the respondent-land owners, the respondent-land owners may have developed the land or alienated the same in favour of the third parties as the lands are situated within the jurisdiction of Bengaluru city, hence at this juncture interfering with any rights of the land owners at the instance of developing authority belatedly would definitely cause prejudice and injustice. In the absence of any plausible and acceptable explanation in the affidavit filed by the Authority, the inordinate delay cannot be condoned mechanically merely because the statutory authority is in appeal. The cause shown in the affidavit clearly indicates that the delay is



caused due to callous and lackadaisical attitude on the part of the officials functioning in the BDA.

15. For the aforementioned reasons, we are of the considered view that the appellants have failed to show the sufficient cause to condone the delay of 2162 days in preferring the appeal. Hence, we proceed to pass the following :

ORDER

I.A.No.1/2022 is dismissed.

Consequently, the appeal and other pending applications are ***dismissed***.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**