

CMP No.4315 of 2026
and WA SR No.196371 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 20.02.2026

CORAM

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

CMP No.4315 of 2026
and WA SR No.196371 of 2025

- 1.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai 3
 - 2.The Joint Commissioner (Works)
Corporation of Chennai,
Rippon Buildings, Chennai 3
 - 3.The zonal Officer,
Zone VII Ambattur,
Corporation of Chennai,
Chennai 53
 - 4.The District Revenue Officer,
Land & Estate, Corporation of Chennai,
Rippon Buildings, Chennai 3
- : Appellants

versus

- 1.Kannammal Education Trust,
rep. By its Managing Director
Lalitha Lakshmi, New No.22, Old No.121,
G.N.Chetty Road, T.Nagar,
Chennai 600 017



CMP No.4315 of 2026
and WA SR No.196371 of 2025

2.The Collector,
Tiruvallur District

3.The Secretary to Government,
Municipal Administration & Water Supply Department,
Fort St.George, Chennai 9 : Respondents

CMP No.4315 of 2026 filed to condone the delay of 1421 days in filing the appeal.

WA SR No.196371 of 2025 sought to be filed against the order in WP No.24916 of 2024 dated 07.10.2021.

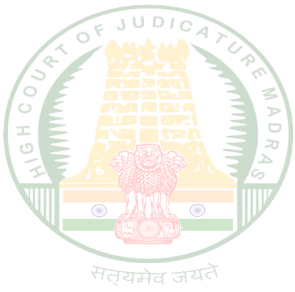
For Appellants : Mr.E.C.Ramesh

JUDGMENT

(Judgment of the Court was delivered by the Hon'ble Chief Justice)

In order to seek condonation of long delay of 1421 days, all that has been stated in support of prayer for condonation of delay is as below:

"19. I respectfully submit that the Certified Copy of the Order passed by the Hon'ble High Court in W.P.No.24916 of 2014, dated 07.10.2021 could not be found as the same was obtained in the year 2021 and now after a period of 4 years, the same could not be found in the Corporation Office. I further submit that the documents with respect to the Old Survey Number.384/1 (New Survey No.10G) sought for by the Greater Chennai Corporation from the revenue authorities was given respectively on



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CMP No.4315 of 2026
and WA SR No.196371 of 2025

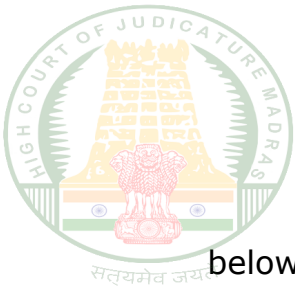
02.09.2025 and 10.11.2025. The Present Writ Appeal arises only after the documents issued by the revenue authorities found to be contradictory in nature. Therefore, there is no wilifull or wanton delay of 1421 days in filing the present Writ Appeal."

2. To say the least, no cause, much less sufficient cause, has been shown. It appears that the officials concerned dealing with the files were completely indolent and sat over the matter without doing anything.

3. The Hon'ble Supreme Court, in umpteen number of judgments, held that the period of limitation is required to be explained by the State and it does not stand on any exalted position.

(i) In the case of *State of Madhya Pradesh & Ors. V. Bherulal*¹, it was found that the appeal filed by the State was with delay of 663 days. The cause shown for inordinate delay in that case was due to unavailability of documents and the process of arranging documents and also a reference to bureaucratic process works. In the aforesaid factual context, Their Lordships of the Supreme Court, observed as

¹(2020) 10 SCC 654



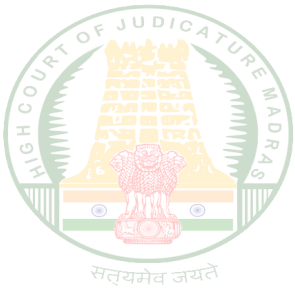
CMP No.4315 of 2026
and WA SR No.196371 of 2025

below:

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"3. No doubt, some leeway is given for the Government inefficiencies but the sad part is that the authorities keep on relying on judicial pronouncements for a period of time when technology had not advanced and a greater leeway was given to the Government (Collector, Land Acquisition, Anantnag & Anr. vs. Mst. Katiji & Ors. MANU/SC/0460/1987 : (1987) 2 SCC 107). This position is more than elucidated by the judgment of this Court in Office of the Chief Post Master General & Ors. v. Living Media India Ltd. & Anr. MANU/SC/0132/2012 : (2012) 3 SCC 563 where the Court observed as under:

"27. It is not in dispute that the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitation for taking up the matter by way of filing a special leave petition in this Court. They cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings. In the absence of plausible and acceptable explanation, we are posing a question why the delay is to be condoned mechanically merely because the Government or a wing of the Government is a party before us.



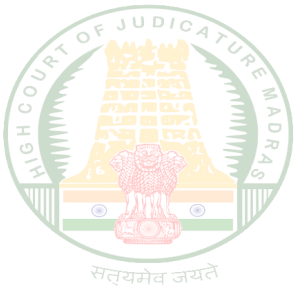
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CMP No.4315 of 2026
and WA SR No.196371 of 2025

28. *Though we are conscious of the fact that in a matter of condonation of delay when there was no gross negligence or deliberate inaction or lack of bonafide, a liberal concession has to be adopted to advance substantial justice, we are of the view that in the facts and circumstances, the Department cannot take advantage of various earlier decisions. The claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody including the Government.*

29. *In our view, it is the right time to inform all the government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bonafide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red-tape in the process. The government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an*



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CMP No.4315 of 2026
and WA SR No.196371 of 2025

anticipated benefit for government departments.

The law shelters everyone under the same light and should not be swirled for the benefit of a few.

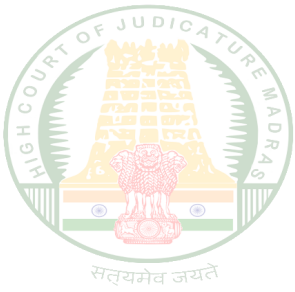
30. Considering the fact that there was no proper explanation offered by the Department for the delay except mentioning of various dates, according to us, the Department has miserably failed to give any acceptable and cogent reasons sufficient to condone such a huge delay."

Eight years hence the judgment is still unheeded!"

(ii) In another decision in the case of *State of Maharashtra v. Borse Brothers Engineers and Contractors Pvt. Ltd*², also, in the factual context of long delay of 75 days, the explanation was found to be short of any sufficient cause. The explanation in the aforesaid case was noted in para 67 of the said judgment as below:

"67. That apart, on the facts of this appeal, there is a long delay of 75 days beyond the period of 60 days provided by the Commercial Courts Act. Despite the fact that a certified copy of the District Court's judgment was obtained by the respondent on 27.04.2019, the appeal was filed only on 09.09.2019, the explanation for delay

²(2021) 6 SCC 460



CMP No.4315 of 2026
and WA SR No.196371 of 2025

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being:

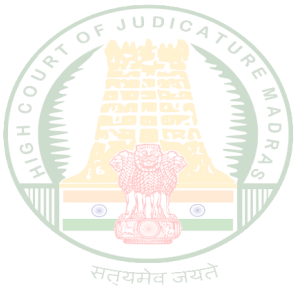
'2. That, the certified copy of the order dated 01/04/2013 was received by the appellant on 27/04/2019. Thereafter the matter was placed before the CGM purchase MPPKVVCL for the compliance of the order. The same was then sent to the law officer, MPPKVVCL for opinion.

3. That after taking opinion for appeal and approval of the concerned authorities, the officer-in-charge was appointed vide order dated 23/07/2019.

4. That, thereafter due to bulky records of the case and for procurement of the necessary documents some delay has been caused however, the appeal has been prepared and filed to pursuant to the same and further delay.

5. That due to the aforesaid procedural approval and since the appellant is a public entity formed under the Energy department of the State Government, the delay caused in filing the appeal is bonafide and which deserve[s] to be condoned.'"

However the Hon'ble Supreme Court was not satisfied with the cause shown on the above lines and it was held as below:



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CMP No.4315 of 2026
and WA SR No.196371 of 2025

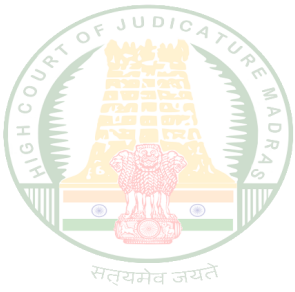
"66. This explanation falls woefully short of making out any sufficient cause. This appeal is therefore allowed and the condonation of delay is set aside on this score also."

(iii) In a recent judgment of the Apex Court in the case of *Shivamma v. Karnataka Housing Board*³, it is observed thus:

"261. Thus, for the reasons aforesaid, the impugned order of the High Court deserves to be set aside. Before we proceed to close this judgment, we deem it appropriate to make it abundantly clear that administrative lethargy and laxity can never stand as a sufficient ground for condonation of delay, and we want to convey an emphatic message to all the High Courts that delays shall not be condoned on frivolous and superficial grounds, until a proper case of sufficient cause is made out, wherein the State-machinery is able to establish that it acted with bona fides and remained vigilant all throughout. Procedure is a handmaid to justice, as is famously said. But courts, and more particularly the constitutional courts, ought not to obviate the procedure for a litigating State agency, who also equally suffer the bars of limitation from pursuing litigations due to its own lackadaisical attitude.

262. The High Courts ought not give a legitimizing effect to such callous attitude of State authorities or its

³2025 INSC 1104



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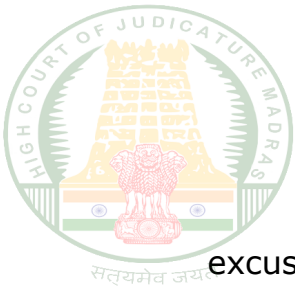


CMP No.4315 of 2026
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instrumentalities, and should remain extra cautious, if the party seeking condonation of delay is a State-authority. They should not become surrogates for State laxity and lethargy. The constitutional courts ought to be cognizant of the apathy and pangs of a private litigant. Litigants cannot be placed in situations of perpetual litigations, wherein the fruits of their decrees or favourable orders are frustrated at later stages. We are at pains to reiterate this everlasting trend, and put all the High Courts to notice, not to reopen matters with inordinate delay, until sufficient cause exists, as by doing so the courts only add insult to the injury, more particularly in appeals under Section 100 of the CPC, wherein its jurisdiction is already limited to questions of law.”

4. As the averments in the affidavit filed in support of the application do not constitute sufficient cause, the application is dismissed. Consequently, WA SR is rejected. There shall be no order as to costs.

5. At this stage, we are constrained to issue a direction to the Chief Secretary of the State as we are finding that in large number of cases, the appeals are being filed after a great delay and lame



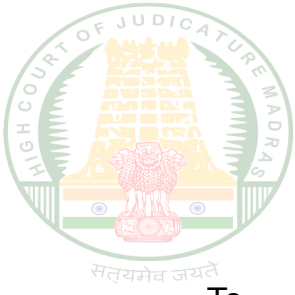
CMP No.4315 of 2026
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excuses, as in the present case, are being made. It is either gross negligence or a case of connivance with the other party. In case of such a gross delay and absence of any reason assigned, the controlling authority is required to hold appropriate inquiry. We are of the view that such cases where appeals are not being filed since long, should also be discreetly examined by the Vigilance Department of the Government to find out whether the non-filing of appeal where the State or its authority have high stakes involved, was result of gross negligence or a case of connivance.

6. A copy of this order be sent to the Chief Secretary, Government of Tamil Nadu.

(MANINDRA MOHAN SHRIVASTAVA, C.J.) (G.ARUL MURUGAN, J.)
20.02.2026

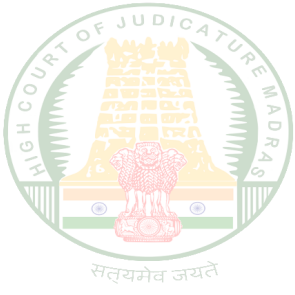
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To

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Chennai 600 009
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and WA SR No.196371 of 2025*

THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN, J.

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CMP No.4315 of 2026 and
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