

ITEM NO.7 Court 6 (Video Conferencing) SECTION XI

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 26667/2020

(Arising out of impugned final judgment and order dated 15-10-2019 in WC No. 52446/2008 passed by the High Court Of Judicature At Allahabad)

THE STATE OF UTTAR PRADESH & ORS. Petitioner(s)

VERSUS

MOHD. AFSAR ALI @ PAPPU & ORS. Respondent(s)

(FOR ADMISSION and I.R. and IA No.128577/2020-CONDONATION OF DELAY IN FILING and IA No.128579/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.128578/2020-EXEMPTION FROM FILING O.T. )

Date : 01-10-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Mr. V.K. Shukla, Sr. Adv.  
Mr. Kamendra Mishra, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

IA No.128577/2020-CONDONATION OF DELAY IN FILING

One more petition with extraordinary delay with no explanation on the part of the State of Uttar Pradesh and despite the legal view expressed by this Court, the same is still pressed! The petitioner must thus, take the consequences.

On the facts, the impugned order was passed on 15.10.2019 and the opinion of the District counsel qua filing of the SLP

was received on 04.01.2020. Thereafter, it took more than six and a half months for the Law Department to accord permission on 27.07.2020! On 11.08.2020, the relevant papers are stated to have been received from the Advocate on Record at Delhi and the SLP is filed on 03.12.2020.

We have also noticed that once again the judgments being cited in the application for condonation of delay are of the vintage when the technology was not available of the kind which is now utilized by Departments. We have repeatedly said that in order to succeed on limitation, it must be brought within the four corners of the view expressed in the judgment of this Court in *Office of the Chief Post Master General & Ors. v. Living Media India Ltd. & Anr.* - (2012) 3 SCC 563.

We thus, have no difficulty in coming to the same conclusion as in orders of this Court in the *State of Madhya Pradesh & Ors. v. Bheru Lal* [SLP [C] Diary No.9217/2020 decided on 15.10.2020], *The State of Odisha & Ors. v. Sunanda Mahakuda* [SLP [C] Diary No.22605/2020 decided on 11.01.2021] and *The State of Uttar Pradesh & Ors. v. Shri Ram Jokhan Dhuria & Anr.* [SLP [C] Diary No.46625/2019, order dated 09.09.2021] that this is one more "certificate case" to complete a mere formality of obtaining dismissal from this Court and wasting of judicial time and that too in respect of a land dispute where the original UP Urban Land (Ceiling and Regulation) Act, 1976 stands repealed.

The same consequence thus, must follow and the petition is dismissed as time barred with the cost of Rs.25,000/- to be

deposited with the Supreme Court Advocates On Record Welfare Fund within four weeks along with a certificate of recovery of costs recovering it from the officer(s) responsible for the inordinate delay in filing the SLP.

Pending applications stand disposed of.

(ASHA SUNDRIYAL)  
ASTT. REGISTRAR-cum-PS

(POONAM VAID)  
COURT MASTER (NSH)