

# Administrator Jammu Municipality vs M/S Swarn Theatre on 17 January, 2020

**Bench: Sanjay Kishan Kaul, K.M. Joseph**

ITEM NO.3

COURT NO.12

SECTION X

S U P R E M E C O U R T O F  
RECORD OF PROCEEDINGS

I N D I A

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 3097/2018

(Arising out of impugned final judgment and order dated 05-10-2016  
in LPAOW No. 178/2002 passed by the High Court of J & K at Jammu)

ADMINISTRATOR, JAMMU MUNICIPALITY & ANR.

Petition

VERSUS

M/S SWARN THEATRE & ORS.

Responde

(FOR ADMISSION and I.R. and IA No.185067/2018-CONDONATION OF DELAY  
IN FILING and IA No.185068/2018-CONDONATION OF DELAY IN REFILING)

Date : 17-01-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s)

Mr. Kushagra Pandey, Adv.  
Mr. Mujahid Karim Khan, Adv.  
Mr. M. Shoeb Alam, AOR

For Respondent(s)

Mr. Rajesh Mahna, Adv.  
Mr. Bhargava V. Desai, AOR

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

The special leave petition has been filed after a delay of 387 days with further delay of 302 days in refiling. This is one more case which we have defined as "Certificate Cases" - the object being only to obtain dismissal from the Supreme Court. We have perused the application for condonation of delay also. There are large gaps which are unexplained and there are no instructions with the counsel whether any action was taken against the officers who are responsible for the inordinate delay.

The highest Court of the land cannot be a walk in place, more so for State Governments to file any time irrespective of period of limitation prescribed. To blame it on the inefficiency of the administration is no more a good excuse in view of the judgment in the case of Post Master General & Ors. v. Living Media India Ltd. & Anr. reported in (2012) 3 SCC 563.

We thus dismiss the applications for condonation of delay in filing and refiling and direct the State administration to hold an inquiry into the aspect as to who is responsible for such inordinate delay and take suitable action against the officers concerned.

The special leave petition is accordingly dismissed. The compliance report be filed within six weeks and the Registrar to ensure that the same is taken on record.

(ANITA MALHOTRA)  
COURT MASTER

(ANITA RANI AHUJA)  
COURT MASTER