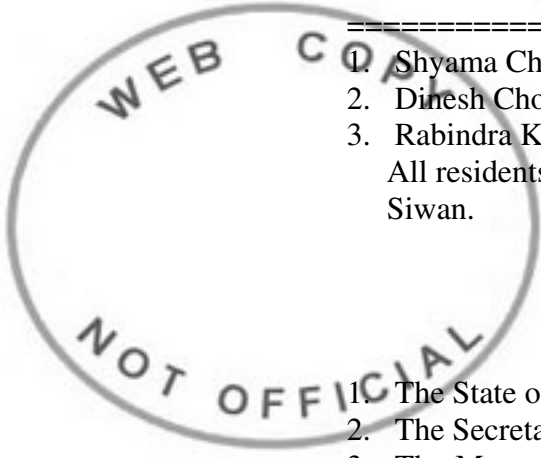


**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16680 of 2015**



- =====
1. Shyama Charan Choubey son of Late Ram Bahadur Choubey
  2. Dinesh Choubey son of Late Ram Bahadur Choubey
  3. Rabindra Kumar Choubey son of Late Ram Bahadur Choubey
- All residents of village Garwar, P.O. Darauli Mathia, P.S. Darauli, District-Siwan.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Patna Industrial Area Development Authority, Bihar, Patna.
3. The Managing Director, Patna Industrial Area Development Authority, Udyog Bhawan (1st Floor), Bihar, Patna.
4. The Director, Provident Fund, Finance Department, Government of Bihar, Patna.
5. The Accountant General (A & E), Bihar, Patna.

.... .... Respondent/s

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**Appearance :**

|                            |   |                              |
|----------------------------|---|------------------------------|
| For the Petitioner/s       | : | Mr. Naresh Prasad, Adv.      |
| For the State              | : | Mr. Ashok Kumar Verma, Adv.  |
| For the Accountant General | : | Mr. Arun Kumar Arun, Adv.    |
| For the Biada              | : | Mr. Grijesh Kuamar, Adv.     |
| For the Respondent/s       | : | Mr. ARVIND KUMAR NO. 2- SC17 |

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date: 07-12-2015**

Heard learned counsel for the parties.

The petitioners claim to be sons of deceased Ram Bahadur Choubey, who was in employment under the then Patna Industrial Area Development Authority.

It appears that the petitioners' father superannuated on 31.07.1985 and thereafter died on 12.08.1987 and his widow also died in December, 1988. The petitioners claim

the remaining dues of their late father and mother.

Learned counsel for the respondents submit that the cause of action arose in the year 1985, thereafter in 1987 and lastly in 1988 but the petitioners have filed the writ petition only in the year 2015 and thus it should be dismissed on the ground of delay and laches alone.

Learned counsel for the petitioners submits that in the year 1992, the respondents have asked the petitioners to get succession certificate and finally the same was submitted in the year 2007 but still no action has been taken.

Learned counsel for the respondents, by way of reply, contested the stand and submit that the authorities asked the petitioners to file succession certificate in the year 1992 but the succession case itself was filed in the year 2003 i.e., after a lapse of 11 years and thereafter even after obtaining the order in the year 2007, the present writ application has been filed after 8 years only in the year 2015.

Having considered the rival contentions, the Court finds that there is gross delay and laches on the part of the petitioners in approaching the Court. Further, the benefit was due to the father and mother of the petitioners and they being no more alive, coupled with the fact that the writ petition has been filed after more than 30 years of the cause of action having arisen, the same does not fit to be entertained and accordingly stands dismissed.

This shall not preclude the respondents to act in  
accordance with law.

**(Ahsanuddin Amanullah, J.)**

P. Kumar/-

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