

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20109 of 2013

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Suresh Rai Son of Late Rajendra Rai, Resident of Village- Panchrukhi, P.O. Ratanpur, Bela, P.S. + Dist.- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Joint Director of Consolidation, Samastipur
3. Deputy Collector, Consolidation, Samastipur
4. Consolidation Officer, Samastipur
5. Ramsagar Rai S/O Ram Balihari Rai, Resident of Village- Panchrukhi, P.O. Ratanpur, Bela, P.S. + Dist.- Samastipur
6. Amarjeet Kumar S/O Late Ram Punit Rai, Resident of Village- Panchrukhi, P.O. Ratanpur, Bela, P.S. + Dist.- Samastipur
7. Shatrughan Rai Son Of Devaki Nandan Rai Resident of Village- Panchrukhi, P.O. Ratanpur, Bela, P.S. + Dist.- Samastipur
8. Ved Prakash Rai Son Of Devaki Nandan Rai Resident of Village- Panchrukhi, P.O. Ratanpur, Bela, P.S. + Dist.- Samastipur
9. Ramesh Rai Son Of Devaki Nandan Rai Resident of Village- Panchrukhi, P.O. Ratanpur, Bela, P.S. + Dist.- Samastipur
10. Ganga Prasad Sharma S/O Late Ragho Prasad Rai Resident of Village- Panchrukhi, P.O. Ratanpur, Bela, P.S. + Dist.- Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satya Narayan Mishra

For the Respondent/s : Mr. A.C. to GP-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 14-12-2015 The petitioner is aggrieved by the order dated 30.03.1994 passed in Consolidation Revision Case No. 696 of 1991 by the respondent Joint Director of Consolidation, Muzaffarpur, as contained in Annexure-3, whereby the aforesaid consolidation revision case filed on behalf of the petitioner has been dismissed by a reasoned and speaking order.

The learned A.C. to G.P. 1 appearing on behalf of the respondent no. 1 to 4, at the very threshold, submitted that the present writ petition suffers from delay and laches and, therefore, on that ground alone the writ petition is liable to be dismissed. According to him, no valid explanation has been furnished by the

petitioner for approaching this Court after more than 19 years from the date of the impugned order.

Admittedly, the impugned order was passed on 30.03.1994. The petitioner had himself filed the aforesaid consolidation revision case under Section 35 of Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956. The case filed on behalf of the petitioner was considered and finally rejected by the impugned speaking and reasoned order. Delay of 19 years is a huge delay and the plea taken about non-information of the impugned order by the petitioner cannot be accepted. The writ petition suffers from delay and laches. Therefore, without going into the merits of the claims of the petitioner about the land in question, the writ petition is dismissed on the ground of delay and laches itself. However, there shall be no order as to costs.

(Birendra Prasad Verma, J)

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