

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.593 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 16169 of 2007**

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Krishna Prasad, Son of Late Ram Briksha Prasad, resident of Village- Habbipur,
P.S. & Anchal-Kako, District- Jehanabad

.... Appellant

Versus

1. The State of Bihar,
2. The Commissioner, Vigilance, Bihar, Patna,
3. The Director General, Vigilance, Bihar, Patna,
4. The District Magistrate, Patna,
5. The Senior Superintendent of Police, Patna,
6. The Director General, Home Guard, Bihar, Patna,
7. The District Commandant, Home Guard, Patna

.... Respondents

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Appearance :

For the Appellant : Mr. Prashant Sinha, Advocate.

For the State : Mr. Shakib Ayaz, A.C. to G.A. 9

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 29-06-2016

Re.:I.A. No. 2589 of 2015

The application is for condonation of delay of 5 days in
filing the Letters Patent Appeal.

2. For the reasons mentioned in the Interlocutory

Application, we are satisfied that the appellant has shown sufficient cause to seek condonation of delay of 5 days in filing the present Letters Patent Appeal.

3. Consequently, Interlocutory Application No. 2589 of 2015 is allowed and delay of 5 days in filing the Letters Patent Appeal is condoned.

Re.: L.P.A. No. 593 of 2015

Heard learned counsel for the parties.

2. The challenge in the present Letters Patent Appeal is to an order dated 7th of January, 2015 passed by the learned Single Bench of this Court in C.W.J.C. No. 16169 of 2007, whereby the writ application filed by the appellant stands dismissed for the reason that the appellant has invoked the writ jurisdiction after delay of 17 years, as the appellant has sought quashing of the order dated 31st of May, 1990/6th of June, 1990 in a petition filed on 11th of December, 2007.

3. Learned counsel for the appellant submits that in fact the appellant was reengaged and continued to work till 2005. Therefore, the writ application cannot be said to be delayed.

4. In the counter affidavit the stand of the State is that the appellant was lastly disengaged on 2nd of August, 2000. Therefore, even from the said date, the writ petition filed in December, 2007 suffers from delay and laches. The challenge in the writ application

was to an order passed in the year 1990. Therefore, in either case, the challenge suffers from delay and laches.

5. We do not find any error in the order passed by the learned Single Bench which may warrant interference in the present intra court appeal.

6. The Letters Patent Appeal is, thus, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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