

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14146 of 2014

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Arun Kumar Lal Das @ Arun Kumar Karn son of Late Uttim Lal Das, Resident of village- Nawahath Kamlabari, P.O.- Nohath, P.S.- Pandaul, District- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Administration and Land Reforms Government of Bihar
 2. The Commissioner, Darbhanga Division, Darbhanga
 3. The District Magistrate, Madhubani
 4. The Circle Officer, Pandaul, District- Madhubani
 5. The Halka Karamchari, Pandaul, District- Madhubani
 6. Ram Kishun Mandal son of Akaran Mandal
 7. Ganpati Mandal son of Rameshwar Mandal
 8. Shrichandra Mandal son of Nathuni Mandal
 9. Gulab Devi W/o Ramjee Mandal
- All 6 to 9 are resident of village- Chanditola, Panchayat- Bathane, Ward No. 12, P.O. Lohath, P.S.- Pandaul, District- Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri, Adv.

For the Respondent nos.1to5 : Mr. Manoj Kumar Yadav, AC to GA-10

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 16-08-2016

Heard the learned counsel for the petitioner and the learned AC to GA-10 appearing on behalf of the respondent nos.1 to 5.

The petitioner has filed the present writ petition under Article 226 of the Constitution of India assailing the validity and correctness of the order dated 06.12.1986 passed in Homestead Parcha Case No.19 of 1986-87 by the respondent Circle Officer, Pandaul, as contained in Annexure-3 to the writ petition, whereby the claims raised on behalf of the private respondents for issuance of Homestead parcha for 13 dhurs of land under the provisions of The Bihar Privileged Persons Homestead Tenancy Act, 1947 (in short 'Act,



1947') has been allowed and the consequential homestead parchas have been issued to them. The petitioner is also aggrieved by the order dated 02.02.2002 passed by the District Collector, Madhubani in Homestead Parcha Case No.142 of 2000-2001, as contained in Annexure-4 to the writ petition, whereby the aforesaid case filed on behalf of the petitioner under Section 21 of the Act, 1947 has been dismissed.

The learned counsel appearing on behalf of the petitioner submits that the petitioner was not heard before passing the impugned final order dated 06.12.1986 by the respondent Circle Officer, Pandaul. He further submitted that once the petitioner learnt about the order passed by the Circle Officer, Pandaul, allowing the claim of the private respondents under the provisions of the Act, 1947, then he approached the respondent District Collector, Madhubani under Section 21 of the Act, 1947 assailing the validity and correctness of the order passed by the Circle Officer, Pandaul, which gave rise to Homestead Parcha Case No. 142 of 2000-01, but that was finally dismissed by the impugned order dated 02.02.2002 (Annexure-4) on the ground of limitation. According to him, the impugned orders are not sustainable in law.

Per contra, the learned AC to GA-10 appearing on behalf of the respondent nos.1 to 5 submits that the writ petition suffers from delay and laches and is fit to be dismissed on that ground alone. According to him, the Circle Officer, Pandaul passed the final order on 06.12.1986 (Annexure-3) allowing the claim of the private respondents under the provisions of the Act, 1947, but the petitioner approached the respondent District Collector, Madhubani after huge delay of 15 years and, therefore, it was rightly dismissed by the District Collector, Madhubani on the ground of delay and laches. He



next submitted that the petition filed by the petitioner before the respondent District Collector, Madhubani under Section 21 of the Act, 1947 was dismissed on 02.02.2002 (Annexure-4), yet the present writ petition has been filed on 19.08.2014 i.e. after undue delay of more than 12 years. It is also contended that, apparently, the petition under Section 21 of the Act, 1947 was filed by the petitioner and he was fully aware about the impugned order dated 02.02.2002, yet, without furnishing any valid explanation, the present writ petition has been filed after delay of more than 12 years.

After having heard the parties and taking into consideration the aforesaid factual matrices, this Court is of the opinion that the present writ petition suffers from delay and laches. The impugned order by the respondent District Collector, Madhubani was passed on 02.02.2002 and the present writ petition was filed on 19.08.2014 i.e. after more than 12 years. There is no valid explanation furnished by the petitioner for approaching this Court after such a long delay of more than 12 years and explanation furnished by him is not acceptable.

It is well settled that the order passed by the competent authority, even if wrong, binds the parties till it is not reversed or set aside by higher forum/court.

In the present case, original order was passed on 06.12.1986 by the Circle Officer, Pandaul and that order was challenged by the petitioner after more than 15 years before the respondent District Collector, Madhubani, but that was dismissed way back on 02.02.2002. The petitioner did not challenge that order within the reasonable period of time and has filed the present writ petition after delay of more than 12 years.

In above view of the matter, the present writ petition has

to fail on the ground of delay and laches on the part of the petitioner and is, accordingly, dismissed. However, there shall be no order as to costs.

Arvind/-

(Birendra Prasad Verma, J)

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.08.2016
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