

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6934 of 2014

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Mahant Umesh Das, Shevait of Ram Janki Ayodhya Das Aastha Pith
Temple, Kadamkuan, P.S. - Kadamkuan, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Patna
3. The Anchal Adhikari, Sadar, Patna
4. The Land Revenue Officer, Patna.
5. The Managing Director Polson Dairy Project, Digha, District - Patna.
6. The Managing Director Housing Board, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent No.6 : Mr. Anshuman Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 23-11-2016

The petitioner has filed the present writ petition for the reliefs enumerated in paragraph 1 of the writ petition, which is as under:[

“That this writ application is being filed for direction to the respondents specially respondent no.2 District Magistrate, Patna to give the right, title and possession of Plot No. 1572, Khata No. 1015, Tuzi No. 5174, Digha -1, Patna on the basis of order dated 19.05.1947 passed in Case No. 28/1944 passed by the District & Sessions Judge, Patna and order dated 20.12.1985 passed in L.A.No. 86/1980 passed by the Additional District and Sessions Judge X, Patna”.

The learned counsel appearing on behalf of the respondent no.5, at the very outset, has raised the question of maintainability of the present writ petition on two grounds; firstly the writ petition suffers from delay and laches and, secondly, all the relevant facts have not been brought on the record by the petitioner.

Submissions made by the learned counsel appearing on behalf of the respondent no. 5 appear to be correct.

The petitioner is seeking direction to the respondent District Magistrate, Patna on the ground of order passed on 19.05.1947. However, since then about seven decades have already elapsed, but subsequent events which might have taken place during the interregnum period have not been brought on the record. Even in land acquisition case final order is said to have passed on 20.12.1985 and since then more than thirty years have already elapsed, but the subsequent events have not been brought on the record. Delay has not at all been explained. Apparently, the writ petition suffers from delay and laches.

In above view of the matter, the writ petition is dismissed, being devoid of merits.

(Birendra Prasad Verma, J)

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