

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2990 of 2016**

- Krishna Kumar Mekhle S/o Kartik Ram Mekhle, Aged About 42 Years (Scheduled Caste), R/o Village Rohrakhurd, P. O. Geedha, Tahsil, Civil District Mungeli, Revenue District Bilaspur (Chhattisgarh).....(Registration No. C.G./744/2002/ Adv.)

---- Petitioner**Versus**

1. The State of Chhattisgarh Through : The Secretary, Vidhi Evam Vidhai Karya Vibhag, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh)
2. Competent Authority District And Sessions Judge, Mungeli, Civil And Revenue District Mungeli (Chhattisgarh)
3. District Bar Association, Through : President, District Bar Association, Tahsil , Civil District Mungeli, Revenue District Bilaspur (Chhattisgarh)
4. Shrawan Kumar Rajput, S/o Shri Salik Ram Rajput, Aged About 47 Years R/o Village Chandli, Thana & Tahsil Pathariya, Civil District Mungeli, Revenue District Bilaspur (Chhattisgarh).....Registration No. C.G./2022/1996/ Adv.)
5. Vijay Kumar Sharma, S/o Late Shri Lakhan Lal Pandey, R/o Bhatgaon, Tahsil Pathariya, Civil District Mungeli, Revenue District Bilaspur (Chhattisgarh).....Registration No. C.G./94/1990/ Adv.)
6. Bal Mukund Shukla, S/o Shri Ravinandan Lal Shukla, Aged About 48 Years R/o Village Chorbhatti, Ward No. 11, Nagar Panchayat, Pathariya, Civil District Mungeli, Revenue District Bilaspur (Chhattisgarh).....Registration No. C.G./1768/1998/ Adv.)
7. Radheshyam Sahu, S/o Late Shri Bhuklu Ram Sahu, Aged About 51 Years R/o Nagar Panchayat Saragaon, Ward No. 5, Tahsil Pathariya, Civil District Mungeli, Revenue District Bilaspur (Chhattisgarh).....Registration No. C.G./105/2001/ Adv.)
8. Dilip Kumar Kaushik, S/o Late Shri Mulchand Kaushik, Aged About 48 Years R/o Village And Post Bawli, Block Pathariya, Tahsil Pathariya, Civil District Mungeli, Revenue District Bilaspur (Chhattisgarh).....Registration No. M.P./1768/1998/ Adv.)

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For Petitioner	:	Shri Punit Ruparel, Advocate
For Respondents-State	:	Shri Ramakant Mishra, Dy. AG for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****07/12/2016**

1. Petitioner has called in question the order passed by the State Government on 20.06.2014 (Annexure P-4) appointing respondent No.8 as Notary Public for Tehsil Patharia (Mungeli) for a period of five years *w.e.f.* 19.06.2014.
2. The writ petition has been preferred after more than 2 & ½ years from the date of appointment of respondent No.8. When confronted with this enormous delay in filing the writ petition, it is urged that the petitioner was pursuing representation before Hon'ble the Governor of Chhattisgarh.
3. The subject appointment is governed under the Notaries Act, 1952 and the Rules framed thereunder. No appeal is provided to the Governor under the scheme of the Act. The petitioner being a lawyer is presumed to be aware of the provisions of law and yet he kept quiet and did not prefer the writ petition within reasonable time to challenge the appointment of respondent No.8.
4. In my considered view, the writ petition suffers from unexplained delay and laches. Moreover, petitioner's representation/complaint to Hon'ble the Governor was sent to the concerned department of the State Government on 05.08.2014 vide Annexure P-7 and the petitioner was informed about the proceedings, yet the petitioner did not pursue the matter before the State Government or prefer any writ petition within reasonable time thereafter.
5. The Supreme Court in **Chennai Metropolitan Water Supply and Sewerage Board and Others v. T.T. Murali Babu**¹, after relying on its decision rendered in **State of M.P. v. Nandlal Jaiswal**², held thus at para 15 & 16 :

1 (2014) 4 SCC 108

2 (1986) 4 SCC 566

“15. xxx xxx xxx

 xxx xxx xxx

 xxx xxx xxx

“24. ... If there is inordinate delay on the part of the petitioner in filing a writ petition and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in the exercise of its writ jurisdiction.”

Emphasis was laid on the principle of delay and laches stating that resort to the extraordinary remedy under the writ jurisdiction at a belated stage is likely to cause confusion and public inconvenience and bring in injustice.

16. Thus, the doctrine of delay and laches should not be lightly brushed aside. A writ court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. As a constitutional court it has a duty to protect the rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the court would be under legal obligation to scrutinise whether the lis at a belated stage should be entertained or not. Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the court. Delay reflects inactivity and inaction on the part of a litigant — a litigant who has forgotten the basic norms, namely, “procrastination is the greatest thief of time” and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis.”

6. In view of the settled legal position, the writ petition deserves to be and is hereby dismissed on the ground of delay and laches.

Sd/-

Judge
Prashant Kumar Mishra

Ashu