

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.2637/2016

Anita Shivannaji Pedapalliwar..vs..Chief Executive Officer, Zilla Parishad, Chandrapur & ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P. S. Kshirsagar, Advocate for petitioner.

CORAM : SMT. VASANTI A. NAIK AND
V. M. DESHPANDE, JJ.

DATE : MAY 4, 2016

By this writ petition, the petitioner challenges the order of the Block Development Officer, Panchayat Samiti, Chandrapur dated 24.02.2014, declaring petitioner as surplus.

The relief sought by the petitioner cannot be granted. The petition suffers from laches. The Block Development Officer had declared the petitioner as surplus on 24.02.2014. The petition is filed on 27.04.2016. The delay of nearly two years in filing the petition has not been explained satisfactorily. Mere making of representation would not stop the limitation. It would be necessary to refer to the judgment of the Hon'ble Supreme Court reported in 1995 (Supp) (4) SCC 594; Administrator of Union Territory of Daman & Diu & Ors...vs..R.D. Valand and 2006 (4) SCC 322; Karnataka Power Corporation Ltd. & anr...vs..R. Thangappan & anr. in this regard. Moreover, it is the case of the petitioner that the petitioner has been wrongly declared as surplus after transferring the respondent no.3 to the school of the petitioner. If that was so, it was all the more necessary for the petitioner to file the petition, at the earliest as the reason for declaring the petitioner as surplus was known to the petitioner.

Since, the petition suffers from laches, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE