

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.2311 of 2016

In
Civil Writ Jurisdiction Case No.21723 of 2014

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1. The Bihar State Housing Board, 6 Sardar Patel Marg, Patna - 15 through its Chairman.
 2. The Managing Director, Bihar State Housing Board, 6 Sardar Patel Marg, Patna - 15.
 3. The Manager Estate Cum Additional Secretary, Bihar State Housing Board, 6 Sardar Patel Marg, Patna - 15.
 4. The Revenue Officer, Bihar State Housing Board, 6 Sardar Patel Marg, Patna - 15.
 5. The Executive Engineer, Bihar State Housing Board, Patna Division - 1, Lohia Nagar, Patna.

... .. Appellant/s

Versus

Smt. Manju Singh Wife of Sri Pramod Singh Advocate 3 R.C. - 9, Bahadurpur Housing Colony, P.S. - Agamkuan, District - Patna.

... .. Respondent/s

Appearance :

For the Appellants	:	Mr. Lalit Kishore, Senior Advocate Mr. Rabindra Kumar Priyadarshi, Advocate
For the Respondent	:	Mr. Sri Nandan Prasad Singh, Advocate Dr. Meeta Mohini, Advocate

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 13-11-2017

I.A. No. 903 of 2017 is an application for condonation of delay of 280 days in preferring the Letters Patent Appeal. The reason for delay is usual bureaucratic red tape and nothing tangible by which it could be said that the appellants were prevented from preferring the appeal by reason beyond their control. If they decided to sit over the file and keep taking opinions internally at



their own leisure and pace, they cannot be given advantage of condonation for such extraordinary delay of 280 days. The Court is not satisfied that a case for condonation is made out.

The Court also decided to look into the merit aspect of the matter. Since *prima facie* the Bench does not feel that any illegality has been committed by the learned single Judge while allowing the writ application and the reasons thereof are cogent and valid and the Housing Board again is on the wrong foot because they raised a demand and that demand was paid and further in the interest of equity the difference towards some delay in payment has already been compensated by award of simple interest @ 7%. This amount also has been paid by the private respondent. In totality, therefore, it is not a fit case where any indulgence should be given.

In view of the above, the Limitation Petition, which is I.A. No. 903 of 2017, is dismissed along with the Letters Patent Appeal.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
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