

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1585 of 2015

In

Civil Writ Jurisdiction Case No.1713 of 2013

-
-
1. Most. Savita Jha Wife of Late Narendra Jha, S/o Late Ramji Jha, R/o Mohalla Kankarbagh P.S. Kankarbagh, District - Patna.
 2. Pramod Kumar Jha, S/o Late Narendra Jha, R/o Mohalla Kankarbagh, P.S. - Kankarbagh, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Urban Development and Housing department, Government of Bihar, Patna Old Secretariat.
3. The Managing Director Bihar State HOusing Board, 6 Mangles Road, Patna.
4. The Secretary Bihar State Housing Board, 6 Mangles Road, Patna.
5. The Manager Estate Bihar State Housing Board, 6 Mangles Road, Patna.
6. The Executive Engineer, Div I Bihar State Housing Board.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Amit Pandey, Advocate
For the Respondent State: Mr. Indradeo Prasad, SC-27
For the Respondent BSHB : Mrs. Binita Singh, 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 : 31-08-2017

We have heard learned counsel for the appellants and
counsel for the Housing Board.

In the given facts and circumstances, which have been dealt
with by the learned single Judge, the appellants have got more than
what they deserve. They cannot agitate an issue after 47 years that
the Housing Board has failed to give them delivery of possession,
therefore, the Housing Board should look for alternative plots for
them, especially when they have not approached the High Court



ever before on such issue in the last century and only in the year 2008 and then 2013 of this century.

Courts are not supposed to entertain a litigant who is not vigilant of his right and decides at his own leisure the time frame to assert his right.

Counsel for the appellants has produced an order passed Civil Appeal No. 7386 of 2010, which was an appeal filed against a decision of the National Consumer Dispute Redressal Commission. The order passed therein was passed in a different set of facts and context. The observation of the Hon'ble Apex Court cannot come to the rescue of the present appellants.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	01.09.2017
Transmission Date	N.A.

