

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1151 of 2017**

- Smt. Siya Bai Yadav D/o Shri Nathuram Yadav, Aged About 31 Years R/o Gram Dhelwadih, Tah. : Katghora, Distt. Korba (Chhattisgarh)

---- Petitioner**Versus**

1. South Eastern Coalfields Limited Through The Chairman-Cum-Managing Director, Seepat Road, Bilaspur (Chhattisgarh)
2. South Eastern Coal Fields Ltd. Through The Director (Personnel), Seepat Road, Bilaspur (Chhattisgarh)
3. Chief General Manager, South Eastern Coalfields Ltd., Korba Area (Dhelwadih Underground Mines), Korba, Distt. Korba (Chhattisgarh)
4. Staff Officer (Land Revenue) South Eastern Coalfields Ltd., Korba Area (Dhelwadih Underground Mines), Korba, Distt. Korba (Chhattisgarh)
5. Collector, Korba, District Korba, Chhattisgarh.
6. Abhishek Gupta, S/o Gopi Prasad Gupta, R/o Qr. No. 1 C/ A, Banki Mongra, Tahsil : Katghora, Distt. Korba (Chhattisgrh)

----Respondents

For Petitioner:	Mr. Sanjay Kumar Agrawal, Advocate
For S.E.C.L.:	Mr. Shailendra Shukla, Advocate
For State :	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****08.03.2017**

1. By way of the present Writ Petition the Petitioner seeks relief of a direction be issued to the Respondents to consider the case of the Petitioner for employment. Further a relief has also been sought for sending the matter to CBI for an enquiry so far as the employment which has been given to the Respondent No.6.
2. The relevant facts at this juncture to be taken note of is the

fact that in year 1990 land of the Petitioner was acquired at village Dhelwadhi for the mining purpose. The said land was acquired under the provisions of the Coal Bearing Act. The contention of the Petitioner is that at the time of the land acquisition she was minor. Immediately after attaining the age of majority she started making correspondences to the Respondents seeking for employment and also seeking information in respect of the claim of employment against the land which has been acquired. She submits that she has also sought for information under Right to Information Act from the Management of S.E.C.L. and also sought information whether any other person has been granted employment in respect of the said piece of land. But the same have not been properly responded by the Management of S.E.C.L. That vide letter dated 28.01.2017 the Management have stated that they do not have the relevant document in respect of the land which has been acquired at village Dhelwadhi. This made the Petitioner to file the present Writ Petition.

3. It was also the contention of the Petitioner that the Management of S.E.C.L. has granted employment to Respondent No.6 against the land which originally is in the name of the present Petitioner which according to the Petitioner is an act of fraud committed by the Respondent No.6.
4. Taking into consideration the submission made by the Petitioner and also on perusal of the record what reflects is that the present Writ Petition suffers from huge delay and latches. That the land was acquired by the Respondents in the year 1990 and the Petitioner according to her attained age of

majority somewhere in the year 2003-2004 and even after attaining age of majority the Petitioner did not initiate prompt steps by moving to the Court for redressal of her grievance for the next 13 years. This reflects a lethargic and indolent attitude of the Petitioner seeking for redressal of her grievance.

5. The Supreme Court in **Chennai Metropolitan Water Supply and Sewerage Board and others v. T.T. Murali Babu**¹ has held thus:-

“15. In State of M.P. v. Nandlal Jaiswal the Court observed that: (SCC p. 594, para 24)

“24. ... it is well settled that the power of the High Court to issue an appropriate writ under Article 226 of the Constitution is discretionary and the High Court in the exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic.”

It has been further stated therein that: (Nandlal Jaiswal case, SCC p. 594, para 24)

“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

¹ (2014) 4 SCC 108

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. Another aspect which is reflected from the pleading of the Petition is that according to the Petitioner herself Respondent No. 6 impersonating himself to be her husband has obtained the employment against the acquisition of land belonging to the Petitioner for which also the Petitioner has remedy of initiating criminal proceeding against Respondent No.6 which too the Petitioner has not availed till date. At least it is not reflected from the pleading of the Writ Petition.
7. Accordingly, since the Writ Petition suffers from delay and laches, the same deserves to be and accordingly stands dismissed.

Sd/-

(P. Sam Koshy)
JUDGE