

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (227) No. 418 of 2017**

Bashir Khan, aged about 67 years, S/o Late Shri Nafil Khan, R/o Book Binding Centre Bunglow No.2, Shashtri Nagar, Supela Bhilai, Tah. & Distt. Durg (C.G.)

---- Petitioner**Versus**

1. Steel Authority of India Limited, Through :- Managing Director, Bhilai Steel Plant, ISPAT-BHAWAN, Bhilai Nagar, Tah. & Distt. Durg (C.G.)
2. General Manager (Town Administration), Town-Administration Department, Bhilai Steel Plant, Steel Authority of India Limited, T.A. Building, Civic Centre, Bhilai Nagar, Tah. & Distt. Durg (C.G.)

---- Respondents

For Petitioner : Mr. V.G. Tamaskar, Advocate.
 For Respondents : Mr. B.D. Guru, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****01/08/2017**

(1) The petitioner has filed this writ petition calling in question the order dated 07.08.2002 as well as order dated 16.05.2007.

(2) Counsel for the petitioner would submit that the impugned order passed by the trial Court is unsustainable and bad in law and relied upon the decision of this Court passed in Civil Revision No.50/2003 decided on 13.12.2011 (**B.S.P. Employees Co-operative Society Limited Vs. Nagar Palika Nigam, Bhilai**) in support of his submissions.

(3) On the other hand, counsel for the respondents would oppose the writ petition and relied upon the decision of the Supreme Court in the matter of **S. RM. AR. S. SP. SATHAPPA CHETTIAR Vs. S. RM. AR. RM. Ramanathan Chettiar**¹ in support of his submissions.

¹ AIR 1958 SC 245

(4) I have heard learned counsel appearing for the parties and perused the order impugned with utmost circumspection.

(5) Application under Order 7 Rule 11 of the CPC was allowed by the trial Court by order dated 07.08.2002 directing payment of *ad valorem* court fee, against which petitioner filed Civil Revision No. 530/2002, which was dismissed as not maintainable by order dated 19.08.2009 and no further action was taken and, thereafter, application under Section 151 of the Code of Civil Procedure for review of the order dated 7.8.2002 was filed before the trial Court only in the month of May, 2017, that has been rejected finding no error apparent on the face of the record. The orders dated 7.8.2002 & 16.05.2017 have been challenged by way of instant writ petition.

(6) Challenge to the order dated 7.8.2002 by filing this petition as late as on 19.06.2017 suffers from delay and laches. In paragraph 7 of the writ petition, the petitioner has declared that there is no delay and laches in filing the writ petition. The order was passed by this Court on 19.08.2009 in Civil Revision No. 530/2202 whereas this writ petition having been filed on 19.06.2017 and, therefore, the writ petition suffers from delay and laches and cannot be entertained.

(7) The trial Court has clearly held that there is no error apparent on the face of the record requiring recall of the order dated 7.8.2002, in which I do not find any illegality in the order impugned warranting interference by this Court under Article 227 of the Constitution of India.

(8) Accordingly, the writ petition fails and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

