

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**W.P.S. NO. 5847 OF 2018**

1. Sandeep Kumar Yadav, S/o Suresh Yadav, aged about 31 years
2. Suresh Yadav, S/o Late Dhanaram, aged about 62 years
Both R/o Village Kaskela, P.S. Bhatgaon, Tahsil Bhaiyathan, Post-Salka, Adhina, District Surajpur (CG)

... Petitioners**versus**

1. South Eastern Coalfields Limited (S.E.C.L.) Through The Chairman Cum Mananging Director, Seepat Road, Bilaspur, Chhattisgarh.
2. The Chief General Manager, South Eastern Coalfields Limited, Bhatgaon Area, District Surajpur, Chhattisgarh.
3. The Personnel Manager, South Eastern Coalfields Limited, Bhatgaon Area, District Surajpur, Chhattisgarh.
4. The Survey Officer, Office Of The General Manager South Eastern Coalfields Limited, Bhatgaon, District Surajpur, Chhattisgarh.
5. State Of Chhattisgarh, Through The Secretary, Rehabilitation Department, Mantralaya, New Raipur, P.S. Rakhi, District Raipur Chhattisgarh.
6. The Collector Surajpur, District Surajpur, Chhattisgarh.
7. The Collector, Sarguja, District Sarguja, Chhattisgarh.

... Respondents

For Petitioner	:	Mr. Gyan Prakash Shukla, Advocate.
For Respondent 1 to 4	:	Mr. Vinod Deshmukh, Advocate.
For Respondents 5 to 7	:	Mrs. Astha Shukla, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****06/09/2018**

1. The relief sought for in the present writ petition is for a direction to the respondents to consider the claim of the petitioners for compensatory employment for the land of petitioner no.2 which was acquired and also for grant of suitable compensation in accordance with the rehabilitation policy that was prevailing in the year 1991.
2. Before entering into the merits of case, this Court finds that the petition suffers from delay and laches for more than one reason.
3. The land in the present case was acquired in the year 1991-92. The petitioners within reasonable time did not claim for any relief sought for in the present writ petition. Moreover, Annexure P-4 is a document dated 17.8.2002, addressed to petitioner no.2 i.e. father of petitioner no.1,

intimating them that one of the petitioners for employment had already been considered by the respondents and they were found ineligible for employment in the year 2002 itself. It appears that the said order has not been questioned by the petitioners before any judicial forum except for filing of the present writ petition which too has been filed after about 16 years having been passed.

4. Learned counsel for the petitioners tried to emphasis on the fact that the petitioners have been ventilating their grievance by making repeated approaches to the officers of the respondents both the coal mines as well as the State and ultimately when they could not succeed they have filed the present writ petition.

5. So far as the writ petition to be filed within a reasonable time and so far as the issue of delay and laches is concerned, the Hon'ble Supreme Court time and again had very emphatically held that for redressal of his grievances a person should approach the Court within reasonable time. In the instant case, 16 years is quite a long time. Moreover, from the date of acquisition if we look into the period it is around 25-26 years which again is a considerable period within which a person should have approached the Court for redressal of his grievance.

6. The question pertaining to delay and laches has already been decided by the Hon'ble Supreme Court in a catena of decisions in **P. S. Sadasivaswamy v. State of Tamil Nadu¹**, **Uttaranchal Forest Development Corpn. & Another v. Jabar Singh & Others²**, **New Delhi Municipal Council v. Pan Singh and others³** and **State of Uttaranchal and Another v. Shiv Charan Singh Bhandari and Others⁴**. In all these cases, it has been held that "it is trite law that the discretionary jurisdiction

11975 (1) SCC 152

22007 (2) SCC 112

32007 (9) SCC 278

42013 (12) SCC 179

may not be exercised in favour of those who approach the court after a long time. Delay and laches are relevant factors for exercise of equitable jurisdiction.

7. In case of **Bhoop Singh v. Union of India**⁵, the Hon'ble Supreme Court has again held as under:

"8. ...Inordinate and unexplained delay or laches is by itself a ground to refuse relief to the petitioner, irrespective of the merit of his claim. If a person entitled to a relief chooses to remain silent for long, he thereby gives rise to a reasonable belief in the mind of others that he is not interested in claiming that relief. Others are then justified in acting on that belief..."

8. The Hon'ble Supreme Court further in the case of **Chennai Metropolitan Water Supply and Sewerage Board and Others v. T.T. Murali Babu**⁶, has made the following observations:

"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 adequate reason, approaches the court at his own leisure or pleasure, the Court would be under legal obligation to scrutinize 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."

9. A similar view has also been taken earlier by this Bench in the case of **Smt. Leena Lucas v. State of C.G. & Another**⁷ decided on 1.10.2015 in W.P.(S) No. 6316 of 2010.

51992 (3) SCC 136
62014 (4) SCC 108
72016 (1) C.G.L.J. 137

10. For all the aforesaid reasons, this Court is of the opinion that the present writ petition suffers from delay and laches and the writ petition stands dismissed only on the ground of delay and laches.

11. Needless to mention that the reluctance of this Court in entertaining the present writ petition would not come in the way of the petitioner in availing other remedies available to them under the law.

12. The writ petition accordingly stands dismissed.

**Sd/-
(P. Sam Koshy)
Judge**

/sharad/