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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No. 1864 of 2018 (O&M)
Date of decision: 30.11.2018

Sarpanch/Chairman Water and Sanitation Committee, Village Sheron, Tehsil Sunam, District Sangrur

… Appellant

Versus

Permanent Lok Adalat, Sangrur, and others … Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present: Mr. Amit Kumar Walia, Advocate,
for the applicant-appellant.

KRISHNA MURARI, CHIEF JUSTICE (Oral)

CM-4833-LPA-2018

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, the delay of 46 days in filing the accompanying appeal is condoned.

Application stands disposed of.

LPA No. 1864 of 2018

This intra-court appeal, under Clause X of the Letters Patent, is directed against the judgment and order dated 7.9.2018, passed by the learned Single Judge, dismissing the writ petition filed by the appellant, challenging the award dated 30.8.2016, passed by the Permanent Lok Adalat, Sangrur, ordering recovery of an amount of ₹5,02,162/- along with interest against the petitioner-appellant.

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Admittedly, the order was initially challenged by the appellant herein by filing CWP No. 22989 of 2016, which was permitted to be withdrawn with liberty to file another petition with better particulars, vide order dated 29.11.2016. Thereafter, the appellant filed CWP No. 18045 of 2018, but again it was permitted to be withdrawn with liberty to file another petition with better particulars, vide order dated 10.8.2018. It took almost two years to the appellant to file another petition out of which the present appeal arises. The learned Single Judge finding that there was no explanation for the laches of two years, dismissed the writ petition.

Learned counsel for the appellant vehemently contended that the earlier writ petition was withdrawn with liberty to file a fresh petition with better particulars in as much as the relevant notification was not available with the appellant. He further states that the appellant took two years to search out the said notification. This fact is not at all acceptable. If such vague assertions are accepted then it would lead to a situation where a litigant can come after 10 years and say it took him that much time to find some documents.

Another argument advanced by learned counsel for the appellant-petitioner is that since the earlier writ petition was filed within time and liberty was granted, the fresh writ petition could not have been thrown out on the ground of laches. The argument has been advanced only to be rejected at the threshold. It is well settled that there was no limitation prescribed under Article 226 of the Constitution of India for approaching the Court, but the public policy requires a litigant to approach the Court either within a reasonable time or to explain the laches by submitting plausible explanation.

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The argument that once the liberty was granted, the question of laches would not arise is totally misconceived. Thus, there is no error is reflected from the impugned judgment passed by the learned Single Judge in dismissing the writ petition on the ground of laches and the same does not call for interference.

The appeal is, thus, devoid of merit and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

November 30, 2018
AK Sharma

Whether speaking / reasoned: YES
Whether Reportable: NO