

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.606 of 2021

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Ram Naresh Choudhary Son of Late Satya Dev Choudhary Resident of
village - Sonbarsha, P.S. - Bihpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department,
government of Bihar, Old Secretariat, Bailey road, Patna.
2. The Accountant General, Bihar, Patna.
3. The District and Sessions Judge, Civil Court, Bhagalpur.
4. The Judge-in-Charge, Civil Courts, Naugachia District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Singh
For the Respondent/s	:	Mr. Sunil Kumar Mandal, SC 3
	:	Ms. Neelam Kumari, AC to SC 3
	:	Mr. Bipin Kumar, AC to SC 3
	:	Mr. Arjun Prasad, AC to SC 3

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 20-12-2021

In the instant petition, petitioner has prayed for the
following relief/reliefs:

“(i) For issuance of a writ of mandamus directing Respondent No. 3, The District and Sessions Judge, Civil Court, Bhagalpur to consider the case of the petitioner who is a retired Civil Court employee for payment of House Rent Allowance which was dues from July 2011 to 31.12.2015 (i.e. the date of superannuation) of the petitioners.”



In the instant petition, petitioner's grievance is relating to of the year 2011 to 2020. The petitioner has not explained delay from the year 2015 to 30.12.2020, the date on which the present petition was presented. Thus, there is a delay and laches on the part of the petitioner in filing the present petition. Apex Court in the case of ***State of Jammu and Kashmir V/s. R.K. Zalpuri and Others*** reported in ***AIR 2016 SC 3006 paragraph-20*** has held as under:

"20. Having stated thus, it is useful to refer to a passage from City and Industrial Development Corporation V/s.Dosu Aardeshir Bhiwandiwalla and others {(2009) 1 SCC 168}, wherein this Court while dwelling upon jurisdiction under Article 226 of the Constitution, has expressed thus:-

"The Court while exercising its jurisdiction under Article 226 is duty-bound to consider whether:

- (a) Adjudication of writ petition involves any complex and disputed question of facts and whether they can be satisfactorily resolved;*
- (b) The petition reveals all material facts;*
- (c) The petitioner has any alternative or effective remedy for the resolution of the dispute;*
- (d) Person invoking the jurisdiction is guilty of unexplained delay and laches;*
- (e) Ex facie barred by any laws of limitation;*
- (f) Grant of relief is against public policy or barred by any valid law; and host of other factors"*

Underline Emphasized



One of the principle laid down in the aforesaid decision is to entertain belated litigation or not? Since, the petitioner has not explained the delay and laches from 2015 to 30.12.2020, the writ petition stand dismissed.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	23.12.2021
Transmission Date	

