

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.6 of 2022

In
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.

... .. Appellant/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 Appellant	: Mr.Sunil Kumar Singh, Adv.
For the State	: Mr. Yash Mathur, AC to GA7
For the Patna High Court	: Ms. Prachi Pallavi, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 14-11-2022

Heard Mr. Sunil Kumar Singh, learned advocate for
the appellant, Mr. Yash Mathur for the State and Ms. Prachi
Pallavi for the Patna High Court.

The appellant, a retired civil court employee, is
aggrieved by the order passed by a learned Single Judge of
this Court in CWJC No. 606 of 2021 on 20.12.2021, rejecting
his claim of the house rent to which he was entitled and which



had not been paid to him from July, 2011 till his superannuation i.e. on 31.12.2015.

It appears from the writ petition that no record was furnished by the appellant of his having vacated the government accommodation. All that was brought before the learned Single Judge was the permission to vacate from the learned District and Sessions Judge and an intimation to that effect to the Officer of the Government who was in charge of Government buildings.

However, the learned Single Judge rejected the claim of the appellant on the ground of laches, as the writ application was filed in the year 2021 when the amount due to him began accruing since 2011 and continued till the time he superannuated and thereafter.

The learned Single Judge, on not finding any plausible explanation for such delay, held that such unexplained delay could not be condoned.

After having heard the learned counsel for the parties, we are of the view that the appellant was an employee of the civil courts and is therefore expected to be aware of the



consequences of delay in approaching the court for ventilation of his rights.

The delay is a bit too much for us to interfere with the decision of the learned Single Judge not to entertain the writ petition.

We have said so after perusing the records that there was no document available before the learned Single Judge to ascertain whether the appellant had vacated the premises after being permitted to do so.

For these reasons aforementioned, we are not inclined to interfere with the order of the learned Single Judge.

The appeal thus fails but without any orders as to costs.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

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AFR/NAFR	NAFR
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