

13-12-2022
ct no. 22
Sl.53
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WPA 20533 of 2022

Abu Bakkar Seddikeya Senior Madrasah
-Versus-

The State of West Bengal & Ors.

Mr. Pankaj Halder,
Mr. Sanatan Panja,
Mr. Tapan Manna

...for the petitioner

Mr. Supriyo Chattopadhyay,
Mr. Suman Dey

...for the State

The petitioner is a madrasah represented through its secretary. The petitioner claims that way back on July 29, 2011 at page 10 of **Annexure P-2** to the writ petition, an application was made before the respondent no.4 for recognition of the madrasah under the Madrasah Sikhsa Karmasuchi and the necessary application in a prescribed format was also submitted at page 12 to the writ petition. the petitioner claims that the said application is still pending for last 11 years and the respondent no.4 is lying idle over it.

Mr. Supriyo Chattopadhyay, learned Advocate appears for the respondent nos. 1, 3 and 4.

Considering the submissions made on behalf of the petitioner as also considering the materials on record it appears to this Court that the application

was made in July 2011 at page 10 to the writ petition and for last 11 years, the petitioner did not pursue its relief. Though it is true that there is no statutory limitation operates before a writ Court to apply under Article 226 of the Constitution of India, but it is equally true that in a high prerogative writ jurisdiction when the writ Court exercises its equity jurisdiction, the Court should not shut its eyes as to the conduct of the parties and the delay occurred at the behest of the parties in approaching such an equity Court. It is trite that delay defeats equity.

The writ petition has been filed in 2022 praying for consideration of an alleged application of July 2011 by the respondent no.4.

It is submitted on behalf of the petitioner that the cause is not for any third party interest and it is only for the best interest of the madrasah and its students this writ petition has been filed. Still the inordinate delay is there.

In view of the foregoing discussions and reasons, this writ petition **WPA 20533 of 2022** stands dismissed, without any order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Aniruddha Roy, J.)

