

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5425 of 2023

=====

Dhirendra Kumar Sharma, Son of Late Lal Dhari Sharma, resident of Mohalla
- Kasim Bazar, Police S- Kasim Bazar, District - Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Irrigation, Government of Bihar, Patna.
2. The Chief Engineer, Irrigation Department, Bhagalpur Range, Bhagalpur.
3. The Superintending Engineer, Irrigation Department, Munger.
4. The Superintending Engineer, Irrigation Department, Kharagpur Anchal, Munger.
5. The Executive Engineer, Ganga Pump Canal Suryagarha, Munger.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Samir Kumar Sinha, Advocate
For the Respondent/s : Mr. Sanjay Prasad, AC to AAG-4

=====

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA
ORAL JUDGMENT
Date : 27-04-2023

The petitioner, by way of this writ petition, has prayed for payment of his dues which is lying with the department for last 41 years.

2. Upon specific query raised by this Court as to the reasons for not approaching the Court in time, learned counsel submits that he has been representing to the authorities.

3. This Court is not satisfied with the reasons coming forward for not seeking remedy for more than four decades.

4. The case essentially relates to recovery of dues



in terms of Limitation Act. Suit for recovery of money has to be filed within a period of three years from the date it is due. The time period has elapsed long back. Even if there is an admission of dues, the time period for filing of a suit is 12 years under the Limitation Act which too has expired long back.

5. In view thereof, by way of entertaining this writ petition, this Court would be extending the period of limitation beyond the Act which cannot be allowed.

6. The writ petition apart from suffering from gross laches also suffers from unexplained delay.

7. As such, the writ petition stands dismissed.

(Sanjeev Prakash Sharma, J)

Ashwini/-
Item No.13

AFR/NAFR	
CAV DATE	
Uploading Date	27.04.2023
Transmission Date	

