

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9298 of 2023

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Ramjatan Singh @ Ramjatan Paswan, son of Laxman Paswan, resident of
village - Badhauna, P.O. Gurua, P.S. - Gurua, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Collector-cum-District Magistrate, Gaya.
3. The Sub-Divisional Officer, Sherghati, District Gaya.
4. The Block Supply Officer, Gurua, District - Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate.

For the Respondent/s : Mr. Arvind Ujjwal, SC-4.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

2 26-09-2023 Heard learned counsel for the parties.

2. The present Writ Petition has been filled for the
following reliefs:-

“(i) For issuance of a writ in the nature of "Certiorari" for setting aside the order contained in memo no. 1827 dated 06.11.1990 passed by the Sub. Divisional Officer, Sherghati (Gaya) by which P.D.S. license of the petitioner has been cancelled alongwith other P.D.S. dealer, in the light of report contained in letter no. 100/Aa, dated 04.09.1990 submitted by the Block Supply Officer, Gurun.

(ii) To direct the concerned respondent authorities to dispose of the representation dated 04.12.2023 filed by the petitioner with a reasoned and speaking order without further delay.

(iii) Any other relief reliefs for which the petitioner may be found entitled



to in the peculiar facts and circumstances of the case”.

3. Learned counsel appearing on behalf of the petitioner has stated that the impugned order dated 06.11.1990 in Memo No. 1827 passed by the Sub-Divisional Officer is against the provisions of the law and principles of natural justice and equity.

4. Learned counsel for the respondents has stated that the present CWJC is liable to be dismissed on the ground of laches and limitation. Learned counsel has stated that the impugned order was passed on 06.11.1990 and the petitioner has not availed the statutory remedy of appeal or revision. Learned counsel has stated that the CWJC is hit by limitation and the CWJC cannot be entertained after a period of 33 years. Learned counsel has stated that even the request of the petitioner for disposing off his representation dated 04.12.2023 cannot be accepted as any direction issued by this Court will have the effect of creating a fresh cause of action which has being deprecated by the Hon'ble Supreme Court. That the order of cancellation passed in the year 1990 has attained finality. Learned counsel has, therefore, prayed this Hon'ble Court to dismiss the present CWJC.

5. When queried by this Court with regard to the delay, the learned counsel for the petitioner could not satisfy this



Court about the delay and laches in approaching this Court after a period of 33 years. Even in the CWJC there is absolutely no explanation as to why the petitioner has taken more than 33 years to approach this Court. Though no period of limitation is fixed for approaching this Court under Article 226 of the Constitution of India, the parties are expected to approach this Court within reasonable time, what is reasonable time depends on the facts of each case and the Courts have been entertaining the writ petition, but by no stretch of imagination approaching this Court after a period of 33 years can be said to be reasonable time. Moreover the petitioner had the remedy of filing a statutory appeal against the orders of cancellation but he has not chosen to file any appeal and allowed this order to become final. The delay of 33 years cannot be condoned more so when no explanation for the said delay is forthcoming. This Court is not inclined to entertain the present CWJC and the same is **dismissed** on the grounds of the delay and laches.

(A. Abhishek Reddy, J)

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