

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.80 of 2021
In
Civil Writ Jurisdiction Case No.8717 of 2019

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of minor Irrigation, Government of Bihar, Patna.
3. The Deputy Secretary, Department of Irrigation, Government of Bihar, Patna.
4. The Chief Engineer, Minor Water Resources Department, Bhagalpur.
5. The Chief Engineer, Minor Water Resources Department, Muzaffarpur.
6. The Executive Engineer, Minor Irrigation Division, Supal.
7. The Executive Engineer, Minor Irrigation Circle, Saharsa.
8. Superintending Engineer, Minor Irrigation Circle, Saharsa.

... .. Appellant/s

Versus

1. Bisheshwar Jha Son of Jainarayan Jha, Resident of Village - Parari, P.S. Bangaon, District - Saharsa, Presently residing at R/M- House No. 223, Krishna Nagar, Batraha, Ward No. 23, P.S. District - Saharsa.
2. Yogendra Prasad Yadav, Son of Anant Prasad Yadav, Resident of Village - Ward No. 34, P.O. and P.S. - Saharsa, District - Saharsa.
3. Tripurendra Narayan Singh, Son of Late Satrugan Prasad Singh, Resident of Village - Sahmaura, P.O. - Sahrpur, P.S.- Sonbarsa, District - Saharsa.
4. Sudhakar Prasad Singh, Son of Late Sonelal Singh, Resident of Village - Deora, Ward No. 5, P.O. - Patsa, P.S. Hasanpur, District - Samastipur.
5. Rajendra Prasad Singh, Son of Ganesh Prasad Singh, Resident of Village - Dahiwar, P.S. Buxar, District - Bhojpur.

... .. Respondent/s

with
Letters Patent Appeal No. 84 of 2021
In
Civil Writ Jurisdiction Case No.18380 of 2016

1. The State of Bihar the Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
2. The Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
3. The Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Bihar, Patna.
4. That Chief Engineer, Department of Public Health Engineering (Mechanical), Bihar, Patna.



5. The Zonal Chief Engineer, Bhagalpur Zone.
6. The Superintendent Engineer, Public Health Engineering, Public Health Engineering Circle, Munger.
7. The Executive Engineer, Public Health Division, Sheikhpura.

... .. Appellant/s

Versus

- 1.1. Subhadra Devi Wife of Late Ashok Kumar Upadhyay Resident of Village-
Laluchak Angari, P.O.-Isakchak, P.S.- Lodipur, District- Bhagalpur.
2. The Accountant General (A and E), Bihar, Patna.
3. The District Account Officer, Sheikhpura.
4. The Treasury Officer, Sheikhpura.

... .. Respondent/s

Appearance :

(In Letters Patent Appeal No. 80 of 2021)

For the Appellant/s	:	Mr.Ajit Kumar, Advocate
For the Respondent/s	:	Mr.Siyaram Pandey, Advocate
		Mr.Dewesh Kumar Pandey, Advocate
		Mr.Santosh Kumar Jha, Advocate

(In Letters Patent Appeal No. 84 of 2021)

For the Appellant/s	:	Mr.Alok Ranjan, Advocate
For the Respondent/s	:	Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

7 14-12-2023

21: LPA No. 80 of 2021; Re: I.A. No. 1 of 2021

2. Heard I.A. No. 1 of 2021, for condonation of delay in filing LPA No. 80 of 2021. For the purpose of consideration of number of days of delay in filing LPA, in the application there is no *iota* of material information to what extent and in what number of days etc., are not forthcoming to apprise the delay issue.

3. Accordingly, I.A. No. 1 of 2021 stands dismissed,



reserving liberty to the petitioner to file fresh Interlocutory Application for condonation of delay.

21.1: LPA No. 84 of 2021; Re: I.A. No. 1 of 2023

4. Heard I.A. No. 1 of 2023 arising out of LPA No. 84 of 2021 for condonation of delay of 3 years 259 days in filing LPA.

5. The reasons stated in Para 3 to 13 are that certain litigation were pending and the file was being examined for opinion and file was passed from one section to another section and one department to another department. These reasons are not acceptable in view of the Hon'ble Apex Court decision in the case of **Postmaster General vs. Living Media India Ltd.** reported in **(2012) 3 SCC 563** (Para 25 to 30).

6. Learned counsel for the appellants submitted that identical matter was subject matter of litigation before the Hon'ble Apex Court and it was allowed in favour of the State-respondents. The same cannot be taken note of for the reasons that the appellants-State should have also filed the present LPA within the time limit. It is not about few months on the other hand it is more than 3 years 259 days and the reasons assigned are not sufficient to condone the delay. Infact state-appellant who is one of biggest litigant and should have been very careful



in filing litigation timely. In this regard, State must think of constituting a special committee like a single window and to take decision in filing litigation timely to avoid delay and financial burden on State Exchequer.

7. Accordingly, I.A. No. 1 of 2023 stands dismissed. Consequently, LPA No. 84 of 2021 stands dismissed.

8. At this stage, learned counsel for the appellants submitted that order of the learned Single Judge has been complied in favour of the respondents in terms of the order, such statement is taken on record. Pending I.As, if any, disposed of.

9. Registry is hereby directed to de-link LPA No. 80 of 2021 and list LPA No. 80 of 2021 on 10.01.2024.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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