

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.424 of 2019

In
Civil Writ Jurisdiction Case No.12016 of 2002

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1. Bihar State Housing Board through its Managing Director, Patna
 2. The Managing Director Bihar State Housing Board, Patna
 3. The Secretary Bihar State Housing Board, patna
 4. The Executive Engineer Bihar State Housing Board, Division-2, Patna

... .. Appellant/s

Versus

Rama Nand Prasad Singh S/o Yogendra Prasad Singh Resident of Bibhutipur,
P.s.- Bibhutipur, Distt.- Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anshuman Singh, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

4 06-05-2024

Ref:-I.A. No.01/2019

Heard I.A. No.01/2019.

2. There is delay of about 239 days in filing LPA the
reasons assigned are at paras 5 to 11 and it reads as under:-

5. *“That after examining the records the legal section had sought some information from Establishment Section of the Board for before the file being sent drafting of LPA against the order dated 29.06.2018 passed in CWJC NO. 12016 of 2002.*
6. *That on 01.10.2018 the legal Advisor marked the file to the legal cell of the Board, to place the matter before the learned Senior Counsel of the Board for obtaining his legal opinion.*
7. *That on 01.10.2018 itself the concerned file was sent to the Office of the learned Senior Counsel*



of the Board for his legal opinion. The concerned file was returned back on 05.10.2018 with an opinion to prefer an LPA against the aforesaid order.

- 8. That on 08.10.2018 the matter was placed before the Managing Director of the Board with aforesaid opinion and the same was approved by the Managing Director with direction to ensure the compliance as per the opinion.*
- 9. That on 09.10.2018 the legal advisor has sent the file to the office of the learned Panel Advocate of the Board to draft and file a Letter Patent Appeal.*
- 10. That the learned Counsel of the Board has prepared draft of appeal and the concerned file was about to return to the Housing Board on 25.10.2018, the same was misplaced by his clerk. Thereafter, the same was sent for approval on 26/02/2019 and the same was received on 15/03/2019.*
- 11. That after due process the file was placed before the Managing Director, Housing Board and the same was approved on 12/03/2019 for filing a Letter Patent Appeal.”*

3. Sufficient cause has not been shown to condone the enormous delay of 239 days, what has been narrated for condonation of delay is only the file was moving from one office to another office or one officer to another officer. The appellants being the statutory body they are aware of the fact whenever that they are required to file LPA within the time limit. One can understand that there is delay of about 30 to 60 days. Therefore, the appellants have not made out a case so as to condone the delay of 239 days. The Hon'ble Supreme Court decision in the case of **Mrinmoy Maity vs. Chhandra Koley and Others** passed in **Civil Appeal Nos. 5027 of 2024 (@ Special**



Leave Petition (Civil) No. 30152 of 2018) held that belated litigation shall not be entertained in the absence of sufficient cause shown for the purpose of condonation of delay.

4. Accordingly. I.A. No.01/2019 stands dismissed. Consequently, I.A. No.02/2019 do not survive for consideration. In view of rejection of I.A. No. 01/2019 for condonation of delay, the present LPA No. 424/2019 stands dismissed.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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