

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2012 of 2021

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Ramashish Gop S/o Late Chhotan Gop, Resident of Village- Baikatpur, P.S.-
Khusroopur, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the District Magistrate, Patna.
2. The District Magistrate cum Collector, Patna.
3. The Commissioner, Patna Division, Patna.
4. The Joint Commissioner-cum- Officer-in- Charge, Revenue Department,
Patna Division, Patna.
5. The Registrar, District Registration Office, Patna.
6. The Circle Officer, Khusroopur, Patna.
7. The Block Development Officer, Khusroopur, Patna.
8. Kishun Tibrebal S/O Late Mahadeo Lal resident of Village- Khusroopur
Ganesh Asthan, P.S.- Khusroopur, District- Patna.
9. Laxmi Tibrebal son of Kishun Tibrebal resident of Village- Khusroopur
Ganesh Asthan, P.S.- Khusroopur, District- Patna.
10. Vijay Tibrebal son of Kishun Tibrebal resident of Village- Khusroopur
Ganesh Asthan, P.S.- Khusroopur, District- Patna.
11. Ajay Tibrebal son of Kishun Tibrebal resident of Village- Khusroopur
Ganesh Asthan, P.S.- Khusroopur, District- Patna.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Chandra Shekhar Anand, Advocate
For the Respondents : Mr. Dhurjati Kr. Prasad, GP-14

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-07-2024 Heard the learned counsel for the petitioner and the

learned counsel appearing on behalf of the respondents.

2. The present writ petition has been filed for

directing upon the respondents, especially, respondent no. 6 to

dispose of the application of the petitioner, which has been filed

before him on 08.07.2013 by the petitioner to enquire the Deed



dated 14.11.1926, which is the khatiyani land of the petitioner.

3. Learned counsel for the petitioner submits that thereafter, the respondent no. 6 had sent a letter to the respondent no. 5, to enquire about the Deed of the petitioner and to submit a report, vide letter dated 09.01.2014.

4. Learned counsel for the petitioner submits that again the petitioner sent a letter before the respondent no. 3 on 11.02.2019, requesting him to enquire into the matter and after enquiry, give the possession of the land to the petitioner.

5. Learned counsel for the respondents has taken a stern objection that writ petition is not maintainable in view of the judgment reported in **(2012) 5 SCC 412**, in the case of ***Delhi Administration & Ors. v. Kaushilya Thakur & Anr.*** and paragraph no. 10 and 11 of the said judgment are read as follows:

“10. We have heard Shri H.P. Raval, learned Additional Solicitor General and Shri Rishikesh, learned counsel for Respondent I and perused the record. In our view, the impugned order as also the one passed by the learned Single Judge are liable to be set aside because while granting relief to the husband of Respondent I, the learned Single Judge overlooked the fact that the writ petition had been filed after almost 4 years of the rejection of an application for allotment of 1000 sq yd plot made by Ranjodh Kumar Thakur. The fact that the writ petitioner made further representations could not be made a ground for ignoring the delay of more than 3 years, more so because in the subsequent communication the



authorities concerned had merely indicated that the decision contained in the first letter would stand.

11. It is trite to say that in exercise of the power under Article 226 of the Constitution, the High court cannot entertain belated claims unless the petitioner offers tangible explanation (State of M.P. v. Bhailal Bhai)."

6. Learned counsel for the respondents further submits that the petitioner has come before this Court for disposing of the application dated 08.07.2013 and he has filed the present writ petition in the year 2021.

7. Considering the aforesaid facts, the writ petition is dismissed on the ground of delay and laches, relying on the judgment of The Hon'ble Apex Court in the case of ***State of Jammu & Kashmir Vs. R.K. Zalpuri and others reported in AIR 2016 (SC) 3006***, and para no. 20 of the said judgment is read as follows:-

"20. Having stated thus, it is useful to refer to a passage from City and Industrial Development Corporation Vs. Dosu Aardeshir Bhiwandiwalla and Others, wherein this Court while dwelling upon jurisdiction under Article 226 of the Constitution, has expressed thus:-

"The Court while exercising its jurisdiction under Article 226 is duty bound to consider whether:

(a) adjudication of writ petition involves any complex and disputed questions of facts and whether they can be satisfactorily resolved;

(b) the petition reveals all material facts;

(c) The petitioner has any alternative or effective remedy for the resolution of the dispute;

(d) person invoking the jurisdiction is guilty of



*unexplained delay and laches;
(e) exfacie barred by any laws of limitation;
(f) grant of relief is against public policy or
barred by any valid law; and host of other
factors”*

7.1. Paragraph no. 20 of the aforesaid judgment laid down general principles before entertaining the writ petition. The writ Court is duty bound to examine delay as well as laches.

8. Accordingly, the writ petition stands dismissed on the ground of delay and laches.

(Rajesh Kumar Verma, J)

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