

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10833 of 2023

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Gaurav Kumar S/o - Uday Chandra Prasad @ Uday Shankar Prasad, Resident of Vill- Mohanpur, P.S- Smastipur, Dist.- Smastipur, (Bihar), Pin Code - 848101.

... .. Petitioner/s

Versus

1. The State of Bihar Through its Chief Secretary, Government of Bihar, Secretariat, Patna.
2. The Principal Secretary, Land Acquisition, Bihar, Patna.
3. The Principal Secretary cum Managing Director, Bihar State Milk Co-Operative Federation Ltd. (COMFED), Bihar, Patna.
4. The Deputy Secretary, Land Acquisition, Bihar, Patna.
5. The Managing Director, Bihar Industrial Area Development Authority (BIADA), Bihar.
6. The District Magistrate, Samastipur, Bihar.
7. The District Land Acquisition Officer, Smastipur, Bihar.
8. The Managing Director, Mithila Dugdh Udyog Sahkari Samiti, Smastipur, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sharad Shekhar, Advocate Mr. Mukesh Kumar, Advocate
For the State	:	Mr. Nutan Sahay, AC to AAG 12
For BIADA	:	Mr. Ujjawal Bhushan, Advocate
For Resp. No. 3 & 8	:	Mr. Nikesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-07-2024 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the respondents.

2. It appears from the counter affidavit filed on behalf respondent no. 5 i.e. BIADA that acquisition of the land was initiated in the year 1974 and Section 6 notification was published on 06.04.1981 and the petitioner has approached this Hon'ble Court after almost lapse of 42 years. It also appears



from the affidavit filed on behalf of the petitioner that the age of the petitioner as mentioned in the affidavit is 33 years only which suggest that on the date of initiation of the acquisition of land in question and notification under Section 6 of the Land Acquisition Act, the petitioner was not even born.

3. The petitioner should have approached this Hon'ble Court within reasonable period of time with reference to Limitation Act i.e. 3 years since there is no time limit of filing the writ petition. At the same time, it is necessary to take note of the laches on his part.

4. 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** referred to paragraph 20 which is as follows:-

"20. Having stated thus, it is useful to refer to a passage from City and Industrial Development Corporation v. 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) ex facie 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.”*

5. Paragraph 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.

6. In view of the aforesaid judgment and the fact that the acquisition process was completed in the year 1981 but the petitioner has approached this Hon’ble Court in the year 2023 i.e. after delay of about more than 42 years.

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

(Rajesh Kumar Verma, J)

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