

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17056 of 2022

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Ashok Kumar Yadav Son of Banarsi Yadav @ Buddhdev Prasad Yadav @
Vanarsi Prasad Mandal resident of Village- Mohini, Police Station, Kasba,
District- Purnea. Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Purnea.
3. The Additional Collector, Land Ceiling, Purnea.
4. The Deputy Collector, Land Reforms, Purnea District- Purnea.
5. The Circle Officer, Kasba, District- Purnea.
6. Sanjay Kumar Yadav son of late Deo Narayan Yadav resident of Village-
Mohini, Police Station- Kasba, District- Purnea.
7. Munna Yadav son of late Deo Narayan Yadav resident of Village- Mohini,
Police Station- Kasba, District- Purnea.
8. Ajay Yadav son of late Deo Narayan Yadav resident of Village- Mohini,
Police Station- Kasba, District- Purnea.
9. Vijay Yadav son of late Deo Narayan Yadav resident of Village- Mohini,
Police Station- Kasba, District- Purnea.
10. Bipin Yadav son of late Deo Narayan Yadav resident of Village- Mohini,
Police Station- Kasba, District- Purnea.
11. Fuliya Devi daughter of late Deo Narayan Yadav resident of Village-
Mohini, Police Station- Kasba, District- Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar Sinha, Advocate
For the Resp Nos. 6 to 11: Mr. Vijay Shankar Shrivastava, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-08-2024 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 the

following relief(s) :

*i) For quashing of the order dated 14.10.2003
passed by the Collector, Purnea in C/A Case No.*



21/1997 whereby the appeal of the petitioners filed against the order of the learned Deputy Collector, Land Reforms, Purnea (hereinafter referred to as DCLR') dated 02.05.1997 in Misc. Ceiling Case No. 14/95-96 was dismissed on wrong assumptions of facts and law.

(ii) For holding that the claim of the petitioners is just, proper and legal.

(iii) For holding that the father of respondent Nos. 6 to 11, late Deo Narayan Yadav, who had claimed settlement of the land in question on the basis of his having purchased the sikmi from the recorded sikmidar, but settlement was made in excess of the area purchased, i.e. while making settlement to the said Deo Narayan Yadav, land of the petitioners was also settled with them.

(iv) For holding that the appeal of the petitioners was wrongly rejected on the ground of delay.

(v) For holding that the possession of the aforesaid late Deo Narayan Yadav was held against the materials available on records.

(vi) For restraining the respondents from interfering with the possession of the petitioners over



the land in question in any manner whatsoever.

(vii) For grant of any such other relief or reliefs, for which the petitioners may be found to be entitled in the facts and circumstances of this case.

3. It appears from the pleading that the petitioner has assailed the order dated 14.10.2003 passed in C/A Case No. 21 of 1997 and he has approached this Court in the month of October, 2022 after about 20 years of delay.

4. The petitioner should have approached this Hon'ble Court within a 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.

5. 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."

6. Paragraph-20 of the aforesaid judgment laid down general principals before entertaining the writ petition. The writ Court is duty bound to examine delay as well as laches.

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

(Rajesh Kumar Verma, J)

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