Sr. No. 27

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Case: LPA No.76/2023

Rashpal Singh ..... Appellant(s)

Through :- Mr. Suresh Kumar, Advocate

Vs

Union Territory of J&K and others .....Respondent(s)

Through :- Ms. Monika Kohli, Sr. AAG for R-1 to 3.
Mr. Achal Sharma, Advocate for R-4.

CORAM:
HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE PUNEET GUPTA, JUDGE

ORDER
31.12.2024

01. This intra-court appeal by the appellant is directed against an order dated 24.04.2023 passed by the learned Single Judge of this Court ["Writ Court"] in WP(C) No.976/2023 titled ***"Rashpal Singh Vs. Union Territory of J&K and others"***, whereby the writ Court has dismissed the petition of the appellant an on account of unexplained delay and laches.

02. From the reading of the petition filed by the appellant, it clearly transpires that appellant has thrown challenge to an order passed by the Provincial Rehabilitation Officer, Jammu dated 30.04.2019 which was earlier challenged before the Financial Commissioner, Jammu by way of an appeal. The appeal was registered as file No.05/Appeal and was decided on 04.09.2021. It is after the dismissal of the appeal of the appellant by the

Divisional Commissioner, the appellant filed WP(C) No.976/2023. The writ petition has been filed within a period of two years from the dismissal of the appeal by the Divisional Commissioner, Jammu and, therefore, cannot by, any stretch of reasoning, be called highly belated and hit by delay and laches. The learned Single Judge has not appreciated the fact that there is no time limitation provided for filing a writ petition under Article 226 of Constitution of India. However, the writ Court can refuse to entertain a writ petition if it is filed after an inordinate unexplained delay. In the instant case, the petition as stated above was filed by the appellant within two years of the dismissal of his appeal by the Divisional Commissioner, Jammu and, therefore, cannot be said to be hit by delay and laches.

03. For the foregoing reasons, this appeal is allowed. The order impugned passed by the learned Single Judge is set aside. The writ petition is held not hit by any delay and laches. The learned Single Judge may consider the writ petition on merits.

04. Registry to list the writ petition on **10.02.2025.**

05. In the meanwhile, there shall be status quo with regard to release of compensation.

(PUNEET GUPTA)
JUDGE

(SANJEEV KUMAR)
JUDGE

JAMMU
31.12.2024
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SHAMMI KUMAR
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I attest to the accuracy and
integrity of this document