

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.17365 OF 2024

Muqitur Rehman Mohd. Jabir Khan & Ors.	Petitioners
V/S	
The State of Maharashtra & Anr.	Respondents

Mr. Ashish A. Dubey a/w Mr. Ajay Dubey *for the Petitioners.*
Ms. V.R. Raje, AGP *for Respondent No.1 / State.*

CORAM: SANDEEP V. MARNE, J.
DATE : 03 DECEMBER 2024.

P.C.:

1. The Petition challenges order dated 4 March 2021 passed by the learned Judge of the Small Causes Court making the Obstructionist Notice No.490 of 2011 absolute and directing the Obstructionists to handover possession of the suit premises to the Plaintiff. Though the impugned order is passed on 4 March 2021, the Petition is filed on 31 October 2024. The Petition does not plead any justification for the inordinate delay in filing the Petition. The only averment with regard to the delay is to be found in paragraph 10 of the Petition, which reads thus:

“10 The impugned order and are arbitrary in nature and also bad in law and petitioner are under continuous apprehension of forceful eviction, therefore, the Petitioner approached this Hon’ble Court by folding both the hands, therefore considering this aspect there is no delay on part of the Petitioner and present writ petition is well within time and not barred by law of limitation.”

2. Far from explaining delay in filing the present Petition, Petitioners have boldly contended that there is no delay in filing the Petition.

3. Considering the inordinate delay and particularly laches on the part of the Petitioners, this Court is not inclined to exercise the jurisdiction under Article 227 of the Constitution of India. Writ Petition is accordingly **rejected**.

(SANDEEP V. MARNE, J.)

SUDARSHAN
RAJALINGAM
KATKAM

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