



\$~136

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 11730/2024**

**KUMBAM RAM REDDY**

.....Petitioner

Through: Mr. Saurabh Mishra, Ms. Saroj K. Mohanty, Ms. Alka Mishra and Ms. Sabita Rani Mohanty, Advs.

versus

**UNION OF INDIA & ORS.**

.....Respondents

Through: Ms. Arunima Dwivedi, CGSC with Ms. Pinky Pawar, G.P. for UoI.

**CORAM:**

**HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV**

**ORDER**

%

**27.08.2024**

1. The petitioner in the instant writ petition seeks quashing of the notification dated 20.10.2022 issued by respondent No.1. He further prays for declaring the result dated 17.01.2023 of election of the Executive Committee of the School Games Federation of India (hereinafter 'SGFI') as invalid.
2. The petitioner is stated to be the Secretary of an affiliated unit of SGFI, namely School Games Federation of Telangana, whereas, respondent no.2 is a society registered under the Societies Registration Act, 1860 and is recognized as a National Sports Federation by the Ministry of Youth Affairs & Sports, Government of India.
3. The petitioner asserts that respondent no.1 is illegally and arbitrarily interfering in the functioning of SGFI and in pursuance of the same, he



explains various grounds as to why the Court should interfere in the impugned action and grant relief to the petitioner. He, however, is unable to satisfy the Court as to why the instant petition has been filed after a lapse of about two years from the issuance of notification dated 20.10.2022. Learned counsel states that the present office bearers have been engaged in various malpractices; however, no satisfactory explanation seems forthcoming on the query put forth by the Court.

4. A party which approaches the Court belatedly or sleeps over its rights for a considerable period of time, it ought not to be granted the extraordinary relief by the writ courts. In fact, delay or laches is one of the factors which should be borne in mind by the Writ Courts while exercising discretionary powers under Article 226 of the Constitution of India. No doubt, there is no fixed limitation period as such for filing of a writ petition, however, the same will have to be examined in view of the facts and circumstances involved in each case. Any laxity in the form of an unexplained delay on the part of litigants in approaching the Writ Court for claiming their rights ought to be thwarted.

5. The Court also takes note of the decision passed by the Supreme Court in the case of *Mrinmoy Maity v. Chhanda Koley*<sup>1</sup>, wherein, it has been held that while exercising writ jurisdiction under Article 226 of the Constitution of India, the Court will have to necessarily take into consideration the delay and laches on the part of the petitioners and the petition can be dismissed on that sole ground itself, if the explanation is found to be unsatisfactory. The relevant excerpts of the said decision are reproduced as under:-



“9. Having heard rival contentions raised and on perusal of the facts obtained in the present case, we are of the considered view that writ petitioner ought to have been non-suited or in other words writ petition ought to have been dismissed on the ground of delay and latches itself. An applicant who approaches the court belatedly or in other words sleeps over his rights for a considerable period of time, wakes up from his deep slumber ought not to be granted the extraordinary relief by the writ courts. This Court time and again has held that delay defeats equity. Delay or latches is one of the factors which should be born in mind by the High Court while exercising discretionary powers under Article 226 of the Constitution of India. In a given case, the High Court may refuse to invoke its extraordinary powers if laxity on the part of the applicant to assert his right has allowed the cause of action to drift away and attempts are made subsequently to rekindle the lapsed cause of action.

10. The discretion to be exercised would be with care and caution. If the delay which has occasioned in approaching the writ court is explained which would appeal to the conscience of the court, in such circumstances it cannot be gainsaid by the contesting party that for all times to come the delay is not to be condoned. There may be myriad circumstances which gives rise to the invoking of the extraordinary jurisdiction and it all depends on facts and circumstances of each case, same cannot be described in a straight jacket formula with mathematical precision. The ultimate discretion to be exercised by the writ court depends upon the facts that it has to travel or the terrain in which the facts have travelled.

11. For filing of a writ petition, there is no doubt that no fixed period of limitation is prescribed. However, when the extraordinary jurisdiction of the writ court is invoked, it has to be seen as to whether within a reasonable time same has been invoked and even submitting of memorials would not revive the dead cause of action or resurrect the cause of action which has had a natural death. In such circumstances on the ground of delay and latches alone, the appeal ought to be dismissed or the applicant ought to be non-suited. If it is found that the writ petitioner is guilty of delay and latches, the High Court ought to dismiss the petition on that sole ground itself, in as much as the writ courts are not to indulge in permitting such indolent litigant to take advantage of his own wrong. It is true that there cannot be any waiver of fundamental right but while exercising discretionary jurisdiction under Article 226, the High Court will have to necessarily take into consideration the delay and latches on the part of the applicant in approaching a writ court.....”

(emphasis supplied)

---

<sup>1</sup> 2024 SCC OnLine SC 551



6. The instant case is a petition which relates to the challenge to an election and according to the petitioner's own submission, the elected body is completing its term in the year 2024 itself. Bearing in mind the facts of the present case, the Court is unable to exercise discretionary power under Article 226 of the Constitution of India.

7. Accordingly, the instant writ petition stands dismissed.

**PURUSHAINDR KUMAR KAURAV, J**

**AUGUST 27, 2024/p**