

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.116 of 2020

In
Civil Writ Jurisdiction Case No.10858 of 2014

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1. Bihar State Housing Board through its Managing Director, Patna.
 2. Revenue Officer, Bihar State Housing Board, Patna.
 3. Manager (Estate) -cum- Additional Secretary, Bihar State Housing Board, Patna.
 4. Executive Engineer, Bihar State Housing Board, Darbhanga.

... .. Appellant/s

Versus

Safila Khatoon wife of Md. Salauddin Khan, resident of Quarter No. L/127, Housing Board Colony, Leharla Sarai, P.O. and P.S. Leharla Sarai, District-Darbhanga (Bihar).

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mrs. Binita Singh, Advocate
For the Respondent/s	:	Mr. Nafisuzzoha, Advocate
		Mr. Somesh Kumar Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

5 23-01-2025 **Re.: I.A. No. 01 of 2020**

Heard I.A. No. 01 of 2020 for condonation of delay in filing the L.P.A. No. 116 of 2020. Registry has noted down that there is delay of 232 days in filing of L.P.A. No. 116 of 2020. On the other hand, perusal of the pleading in I.A. No. 01 of 2020, for condonation of delay, number of days is silent. In other words, there is no appreciation of number of days of delay from the date of learned Single Judge order dated 16.05.2019, in filing of present L.P.A. No. 116 of 2020. Even assuming that



there is inadvertently number of days of delay has not been indicated in the application, it is to be noted that the present L.P.A. is filed by the Bihar State Housing Board, is one of the organisation of the State of Bihar, therefore, there must be efficiency in filing interlocutory application with necessary requisites like number of days of delay and sufficient cause for condonation of delay.

2. On the other hand, perusal of interlocutory application for condonation of delay, reasons assigned for condonation of delay is that the file movement from one department to another department or one section to another section. Appellants were well aware of the fact that the L.P.A. was required to be filed within a stipulated period, in such circumstances, the appellant should have been diligent in filing appeal. The same is not forthcoming from the pleadings of the interlocutory application for condonation of delay.

3. Be that as it may, the Hon'ble Supreme Court in the case of *State of Madhya Pradesh vs. Ramkumar Choudhary* decided in *[SLP (c) Diary No. 48636 of 2024]* on November 29, 2024 read with *H. Guruswamy & Ors. vs. A. Krishnalah* reported in *2025 SCC OnLine SC 54* elaborately considered in so far as filing belated litigation on behalf of the State



/individuals. In fact in the later decision, the Hon'ble Supreme Court was pleased to observe explanation of delay is required to be apprised in the litigation from the date of impugned judgment.

4. In the light of these factual aspects and circumstances, the appellant has not made out a case to condone the delay of 232 days in filing L.P.A. No. 116 of 2020, consequently, I.A. No. 01 of 2020 stands dismissed.

5. Resultantly, L.P.A. No. 116 of 2020, stands dismissed. Pending I.A.(s), if any, is disposed of.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

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