

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1347 of 2015

In
Civil Writ Jurisdiction Case No.13800 of 2006

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1. The State of Bihar through the Commissioner-cum-Secretary, Water Resources Department, Patna.
 2. The Commissioner - Cum - Secretary, Minor Irrigation Department, Govt. of Bihar, Patna.
 3. The Deputy Secretary to the Govt., Minor Irrigation Department, Govt. of Bihar, Patna.
 4. The Joint Secretary to the Govt., Minor Irrigation Department, Govt. of Bihar, Patna.

... .. Appellant/s

Versus

Baikunth Sharma Son of Late Ramashish Singh, Resident of Village - Jalalpur, P.O. Utarsherthu, P.S. Ghoshi, District – Jehanabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abhinay Raj, Advocate.
For the Respondent/s : Mr. Dinu 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)

7 22-01-2025

Re:-I.A. No.5865 of 2015

Heard I.A. No.5865 of 2015 for condonation of delay in filing L.P.A. No.1347 of 2015. There is delay of about 405 days in filing L.P.A. Reasons for condonation of delay narrated in I.A. No.5865 of 2015 are as under in paragraph nos.2 to 6:-

2. That order was passed on 11.03.2024 which is based on order passed in CWJC No.17006 of 2008 against which L.P.A. No.36/2015 has been filed as such under mistaken notion that appeal has been filed against main writ petition, same will govern this case also.



3. That on 26.05.2014 the department came to know about the order passed which was submitted by writ petitioner.

4. That the file was endorsed to Ld. departmental advocate on 28.05.2014 for opinion who advised to obtain permission of departmental secretary to prepare draft for appeal.

5. That on 29.04.15 draft was prepared to file appeal and the record was sent to law department for opinion.

6. That ultimately on 08.05.15 opinion was recorded by learned Advocate General and then it has endorsed to file appeal.

2. For condonation of delay of about 405 days, the aforementioned reasoning is not sufficient. Therefore, the appellants have not made out a case so as to condone the delay in filing of L.P.A. No.1347 of 2015.

3. 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 insofar as filing belated litigation on behalf of the State and deprecated while imposing cost. Taking note of the principle laid down in the aforementioned decisions, the I.A. No.5865 of 2015 stands rejected.



Re:-L.P.A. No.1347 of 2015

4. Resultantly, L.P.A. No.1347 of 2015 stands dismissed.

5. Pending I.A.(s), if any, stands disposed of.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

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