

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.503 of 2023
In
Civil Writ Jurisdiction Case No.20764 of 2012

1. The State of Bihar.
2. The District Magistrate, Munger.
3. The Sub Divisional Officer, Sadar, Munger.
4. The Block Supply Officer, Jamalpur, Munger.

... .. Appellant/s

Versus

Sudhir Kumar @ Sudhir Singh S/o Rajendra Prasad Sao, Resident of Mohalla-Ghoshi Tola, P.S. Kasim Bazar, District-Munger.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. S. Raza Ahmad, AAG-5 Mr. Alok Ranjan, AC to AAG-5
For the Respondent/s	:	Mr. Sushmita Mishra, Adv Mr. Surya Narayan Sah, Adv

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

10 24-09-2025 The matter was listed yesterday in order to provide one opportunity to the State-appellant to secure instruction insofar as withdrawal of the present LPA on the sole ground that there is a delay of about 2309 days in filing the LPA. Sufficient cause has not been shown.

2. Today, learned counsel for the State Mr. S. Raza Ahmad has no instruction to withdraw the present LPA.

3. Be that as it may, heard I.A. No. 01 of 2023 for condonation of delay of about 2309 days (six years three months



twenty-eight days). Cause of action accrued to the appellant-State on 27.11.2016 insofar as challenge to the order of learned Single Judge whereas delay has not been sufficiently explained. On the other hand, what has been narrated is representation is stated to have been given and it was under consideration. Thereafter MJC was filed. These material information cannot be taken into consideration for the purpose of condonation of enormous delay of about six years three months twenty-eight days in filing LPA. 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]* deprecated in filing belated litigation on behalf of the State. That apart, in the case of *H. Guruswamy & Ors vs. A. Krishnaiah* reported in *2025 SCC Online SC 54 (para 13 to 17)*, Hon'ble Supreme Court elaborately discussed insofar as delay in filing litigation.

4. Taking note of the principle laid down in the aforementioned decision, appellants have not made out a case so as to condone the enormous delay. Accordingly, I.A. No. 01 of 2023 stands rejected with the cost of Rs. 10,000/-. Cost shall be remitted in the Lawyers' Association Welfare Benevolent Fund, Indian Bank, Branch-LNMI, Bailey Road, Patna bearing Account No. 7801893276, IFSC Code- IDIB0001501 within a



period of eight weeks. Resultantly, the present LPA No. 503 of 2023 is dismissed.

5. Pending Interlocutory application(s), if any, stands disposed of.

(P. B. Bajanthri, CJ)

(Alok Kumar Sinha, J)

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