

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.892 of 2018

In
Civil Writ Jurisdiction Case No.318 of 2017

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1. The State Of Bihar through the Principal Secretary, Land Reforms Department, Bihar, Patna
 2. The District Magistrate, Rohtas at Sasaram.
 3. The Sub-Divisional Magistrate, Bikramganj, District- Rohtas.
 4. The Deputy Collector, Land Reforms, Bikramganj, District- Rohtas.
 5. The Circle Officer, Bikramganj, District- Rohtas.
 6. The Panchayat Rojgar Sevak Officer, Bikramganj, District- Rohtas.
 7. The Panchayat Secretary, Panchayat Khirodharpur, Block Bikramganj, District- Rohtas.

... .. Appellant/s

Versus

Birendra Thakur Son of late Bhikhari Thakur, Resident of Village- Khirodharpur, P.S. Bikramganj, District- Rohtas at Sasaram.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Archana Prasad Ac To Sc 19
For the Respondent/s : Mr.Ras Bihari Thakur

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

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

4 09-07-2025 Learned counsel for the State – *Archana Prasad* seeks time on account of fact that he doesn't have the file. It is to be noted the present LPA is pending consideration for the last about 7 years. Accordingly, request for adjournment stands rejected.

Re:I.A. No. 4837 of 2018

2. Heard I.A. No. 4837 of 2018. The appellants-State have assailed the order of learned Single Judge dated



27.02.2017 passed in CWJC No. 318 of 2017 in the case of ***Birendra Thakur vs. State of Bihar & Ors.*** Therefore, cause of action accrued to the appellants-State on 26.03.2017, whereas, the LPA has been presented after 1 year 96 days. Sufficient cause has not been shown so as to condone the enormous delay, in view of the pleadings for condonation of delay. They are aware of the learned Single Judge order on 20.04.2017. Thereafter, also there is enormous delay 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**] on November 29, 2024 read with **H. Guruswamy & Ors. Vs. A. Krishnaiah**, reported in **2025 SCC OnLine SC 54** deprecated insofar as filing belated litigation on behalf of the State. In fact, One lakh rupees cost has been imposed on the State of Madhya Pradesh.

3. Taking note of the aforementioned material information read with the principle laid down by the Hon'ble Supreme Court in the aforementioned case, appellants have not made out a case so as to condone the delay of 1 year & 96 days in filing LPA No. 892 of 2018. Accordingly, I.A. No. 4837 of 2018 stands rejected. Resultantly, LPA No. 892 of 2018 stands dismissed.



4. Pending Interlocutory Application(s), if any, stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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