

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.824 of 2019

In
Civil Writ Jurisdiction Case No.16955 of 2018

-
1. The State of Bihar Through the Principal Secretary, Water Resources Department, 'Sinchai Bhawan', Patna.
 2. The Principal Secretary, Water Resources Department, 'Sinchai Bhawan', Patna.
 3. The Engineer-in-Chief (Head Quarter) Water Resources Department, 'Sinchai Bhawan', Patna.
 4. The Chief Engineer Irrigation Creation, Water Resources Department, Bhagalpur.
 5. The Superintending Engineer Irrigation Circle, Water Resources Department, Bhagalpur.
 6. The Executive Engineer Water Resources Department, Ganga Pump Canal Division, Kahalgaon (Bhagalpur).

... .. Appellant/s

Versus

M/s B. M. Construction Through Its Working Partner Mr. Vijay Mandal, Son of Late Sri Dudheshwar Yadav, Village- Yadu Bigha, P.O. Ratni Faridpur, Distt.- Jehanabad, At present Resident of Mohalla- Purani Bijali Colony, P.O.and P.S. District- Jehanabad, Pin- 804429.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. AAG- 4
For the Respondent/s	:	Mr. Rajendra Narayan, Sr. Advocate
		Mr. Anil Kumar Sinha, Advocate
		Mr. Aman Raj, Advocate
		Mr. Siddarth Aditya, Advocate

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

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

11 23-01-2025

Re:- I.A. No. 01 of 2019

Heard I.A. No. 01 of 2019 for condonation of delay in filing L.P.A. No. 824 of 2019. There is delay of about 250 days in filing the present L.P.A. The learned Single Judge passed order dated 11.10.2018 which is subject-matter of the present L.P.A. The



L.P.A. should have been filed on or before 10th November, 2018.

Thereafter, appellants have taken time to file L.P.A. for about 250 days. Reasons assigned to condone the delay are narrated in para 4 and it reads as under:-

“That the judgment dated 11.10.2018 was uploaded on 06.11.2018 and thereafter getting the knowledge of the entire judgment the departments has taken a decision to file L.P.A. petition, on 27.12.2018 that thereafter file moved within the department and last on 17.05.2019 the Additional Secretary of the department had send the file to Law Department for obtaining opinion regarding filing of L.P.A. and the filed received for law department on 19.05.2019 and 24.05.2019 the In-charge Secretary, Law Department has sent the file to the Advocate General, Bihar for seeking opinion regarding filing of L.P.A. and the Advocate General Bihar had sent the file on 27.05.2019 and the same day the Advocate General Bihar has sent the file for filing L.P.A. to Additional Advocate General No. 4, and immediately thereafter the brief was prepared and informed to the department on 03.06.2018 for sent the same were taken oath in this case for filing L.P.A. immediately.”

2. As usual, reasons for condonation of delay narrated is that file was moving from one office to another office or one department to another department. These reasoning has been deprecated by the Hon'ble Supreme Court in number of cases. State being the biggest litigant they are well aware of the statutory provision relating to limitation. Co-ordinate Bench has observed in earlier litigation that State has to evolve a policy decision insofar



as having single window system for filing litigations to avoid delay. The same is not being taken note of even to this date.

3. Be that as it may, recently 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/ individuals. In fact, in the later judgment it was observed that litigant who approaches Court of law belatedly has to explain from the date of impugned judgment. Taking note of the principles laid down in the aforementioned decisions read with para 4 of the Interlocutory Application for condonation of delay, the appellants have not explained delay with sufficient cause. Accordingly, I.A. No. 01 of 2019 stands dismissed.

4. Resultantly, **L.P.A. No. 824 of 2019** stands dismissed. Pending I.A.(s), if any, is disposed of.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

rakhi/-

U			
---	--	--	--

