

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14032 of 2024

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Suresh Prasad @ Raj Kumar son of Late Mahadeo Prasad, Resident of
Budhua Panchayat Budhua, P.S.- Akbarpur, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Bihar.
2. The District Board, Nawada through Chief Executive Officer-cum-Deputy Development Commissioner, Nawada,
3. The District Certificate Officer, Nawada.
4. The Sub-Divisional Officer, Rajauli (Nawada).
5. The Block Development Officer, Akbarpur, District Nawada.
6. The District Engineer, Zila Parishad, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Adv.
For the Respondent/s : Mr. Government Advocate 7

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

2 03-04-2025 The present writ petition is filed challenging the
order dated 20.12.2013 in Memo No. 3924.

2. A perusal of the pleadings does not show the reason
for approaching this Court after a lapse of more than 11 years,
when queried by this Court, the counsel for the petitioner has
also unable to explain the delay in approaching this Court.

3. A Full Bench of the High Court of Andhra Pradesh
in *P.V. Narayan v. APSRTC, Hyderabad*, has held as under:

“71. On the basis of the decisions of the
Supreme Court referred to above, the relevant
considerations that may be taken into account in



determining the issue of delay and laches may be summarized thus:

(1) Though no period of limitation is prescribed for the writ Courts to exercise their powers under Article 226 of the Constitution of India or to file a writ petition, a person aggrieved should approach the Court without loss of time. In appropriate cases, where there is delay and the same has properly been explained with cogent reasons, Court may condone the delay as an exception to meet the ends of justice. But, it would be a sound and wise exercise of discretion for the courts to refuse to exercise their extraordinary powers under Article 226 in the case of persons who do not approach it expeditiously for relief and who stand by and allow things to happen and then approach the Court to put forward stale claims and try to unsettle settled matters.

(2) Courts have evolved rules of self-imposed restraints or fetters where the High Court may not enquire into belated or stale claim and deny relief to a party if he is found guilty of laches. One who is tardy, not vigilant and does not seek intervention of the Court within a reasonable time from the date of accrual of cause of action or alleged violation of the constitutional, legal or other right, is not entitled to relief under Article 226.

(3)

(4)

(5)

(6) The principle on which the Court refuses relief on the ground of laches or delay is that the rights accrued to others by the delay in filing the petition



should not be disturbed, unless there is a reasonable explanation for the delay, because Court should not harm innocent parties if their rights had emerged by the delay on the part of the petitioners.

(7) Where there is remiss or negligence on the part of a party approaching the Court for relief after an inordinate and unexplained delay, in such cases, it would not be proper to enforce the fundamental right As a general rule if there has been unreasonable delay the Court ought not ordinarily to lend its aid to a party in exercise of the extraordinary power of mandamus.

(8) There is no waiver of fundamental right But while exercising discretionary jurisdiction Court can take into account delay and laches on the part of the applicant in approaching a writ Court

(9)

(10)

(11) If a person entitled to a relief chooses to remain silent for long, he thereby gives rise to a reasonable belief in the mind of others that he is not interested in claiming that relief. Courts have applied the rule of delay with greater rigor in service matters.

(12) The benefit of a judgment cannot be extended to a case automatically. The Court is entitled to take into consideration the fact as to whether the petitioner had chosen to sit over the matter and wake up after the decision of the Court If it is found that the petitioner approached the Court with unreasonable delay, the same may disentitle him to obtain a discretionary relief. Long Delay disentitles a party to the discretionary relief under Articles 32 and 226 and



persons who had slept over their rights for long and elected to wake up then they had the impetus from the judgment of similarly placed persons.

(13) Where during the intervening period rights of third parties have crystallized, it would be inequitable to disturb those rights at the instance of a person who has approached the court after long lapse of time and where there is no cogent explanation for the delay.

(14).....”

4. Having regard to the same, this Court does not find any merit in the present writ petition which warrants any interference by this Court, the present writ petition is accordingly dismissed.

(A. Abhishek Reddy , J)

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