

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.655 of 2022

In
Civil Writ Jurisdiction Case No.8187 of 2018

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1. Sanjay Shaw Son of late Sukumar Shaw Resident of Mohalla- Dariyapur Gola, P.S.- Kadam Kuan, District- Patna.
 2. Narendra Nath Shaw Son of late Sukumar Shaw Resident of Mohalla- Dariyapur Gola, P.S.- Kadam Kuan, District- Patna.
 3. Chandra Shekhar Shaw Son of late Sukumar Shaw Resident of Mohalla- Dariyapur Gola, P.S.- Kadam Kuan, District- Patna.
 4. Ashish Shaw Son of late Sukumar Shaw Resident of Mohalla- Dariyapur Gola, P.S.- Kadam Kuan, District- Patna.
 5. Bidyut Kumar Shaw Son of late Sukumar Shaw Resident of Mohalla- Dariyapur Gola, P.S.- Kadam Kuan, District- Patna.
 6. Rahul Shaw Son of late Shyam Sundar Shaw Resident of Mohalla- Dariyapur Gola, P.S.- Kadam Kuan, District- Patna.
 7. Olivia Shaw Daughter of late Shyam Sundar Shaw Resident of Mohalla- Dariyapur Gola, P.S.- Kadam Kuan, District- Patna.
 8. Pompa Shaw wife of late Shyam Sundar Shaw Resident of Mohalla- Dariyapur Gola, P.S.- Kadam Kuan, District- Patna.
 9. Mahim Ranjan Shaw Son of late Pankaj Kumar Shaw Resident of Mohalla- Dariyapur Gola, P.S.- Kadam Kuan, District- Patna.
 10. Prem Ranjan Shaw Son of late Pankaj Kumar Shaw Resident of Mohalla- Dariyapur Gola, P.S.- Kadam Kuan, District- Patna.
 11. Rita Shaw Wife of late Pankaj Kumar Shaw Resident of Mohalla- Dariyapur Gola, P.S.- Kadam Kuan, District- Patna.
 12. Monika Shaw Daughter of late Pankaj Kumar Shaw Resident of Mohalla- Dariyapur Gola, P.S.- Kadam Kuan, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Principal Secretary, Department of Housing and Urban Development, Government of Bihar, Patna.
4. The Collector, Patna.
5. The Additional Collector, District- Patna.
6. The District Land Acquisition Officer, Patna, District- Patna.
7. The Bihar State Housing Board through its Chief Executive Officer, Patna.
8. The Chief Executive Officer, Bihar State Housing Board, Patna.



9. Priya Ranjan Shaw, (M), Son of late Sukumar Shaw
10. Bankim Chandra Shaw, (M) Son of late Sukumar Shaw
11. Milli Shaw, (F), Daughter of late Anand Mohan Shaw
12. Shipra Shaw, (F), Wife of late Anand Mohan Shaw

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Tej Bahadur Singh, Sr. Advocate
Mr. Brisketu Sharan Pandey, Advocate
Mr. Madan Kumar, Advocate
Mr. Abhishek Kumar, Advocate
Mr. Raj Kishore Prasad, Advocate

For the Respondent/s :

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

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

6 20-08-2025

Re : I.A. No. 1 of 2022

Heard I.A. No. 1 of 2022 filed for condonation of delay. There is delay of about 39 days in filing the present LPA No. 655 of 2022.

2. For the reasons stated in the application read with the affidavit, delay of about 39 days in filing the present LPA No. 655 of 2022 stands condoned. I.A. No. 1 of 2022 is allowed.

3. With the consent of the learned counsel for the appellants, the present matter is taken up for final disposal.

4. Learned Single Judge has passed the following order on 06.09.2022 :

“Heard the parties.



This writ petition is dismissed on the ground of delay and laches as the land was acquired in 1975 and the petitioners have approached this Court in 2018.

With the aforesaid observations and directions this application is dismissed.”

5. Having regard to the fact that appellants have cause of action in the year 1975 whereas they have invoked the remedy before this Court in the year 2018, therefore, rightly on the ground of delay and laches the learned Single Judge proceeded to dismiss. In fact, the Hon'ble Supreme Court in the case of ***State of Jammu and Kashmir V/s. R.K.Zalpuri and others*** reported in **AIR 2016 SC 3006**, Paragraph - 20, it is held as under :

“20. Having stated thus, it is useful to refer to a passage from City and Industrial Development Corporation V/s.Dosu Aardeshir Bhiwandiwalla and others {(2009) 1 SCC 168}, wherein this Court while dwelling upon jurisdiction under Article 226 of the Constitution, has expressed thus:-

“The Court while exercising its jurisdiction under Article 226 is duty-bound to consider whether:

(a) Adjudication of writ petition involves any complex and disputed question of facts and whether they can be satisfactorily resolved;

(b) The petition reveals all material facts;

(c) The petitioner has any alternative or effective remedy for the resolution of the dispute;



(d) Person invoking the jurisdiction is guilty of unexplained delay and laches;

(e) Ex facie barred by any laws of limitation;

(f) Grant of relief is against public policy or barred by any valid law; and host of other factors”

Underline supplied

One of the principle laid down by the Hon’ble Supreme Court in the aforementioned decision is that Writ Court before entertaining a petition have to examine whether is there any delay and laches or not. The same principle is applicable in the present case. Accordingly, present LPA No. 655 of 2022 stands dismissed.

(P. B. Bajanthri, J)

(Shailendra Singh, J)

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