

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.569 of 2025

In
Civil Writ Jurisdiction Case No.3530 of 2017

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1.Md Idrish S/o Late Md. Sadik Hussain @ Md. Siddique Resident of Chiraiya Rehka, P.S. K. Nagar, District – Purnia.

2.Md. Bechan@ Md. Hanif, S/o Late. Chhabu Hussain, Both nos. 1 and 2 are resident of Chiraiya Rehka, P.S.-K. Nagar, District-Purnia.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Collector, Purnia
3. The Additional Collector, Land Ceiling, Purnia
4. The Circle Officer, K. Nagar, District - Purnia
5. Smt. Manorma Devi W/o Late Kumar Sachidanand Singh Resident of Shrinagar Dyodhih, P.O-Shrinagar,P.S.-K. Nagar, District - Purnia.
6. Smt. Pramila Ramaji W/o Late Prama Nand Singh Resident of Shrinagar Dyodhih, P.O-Shrinagar,P.S.-K. Nagar, District - Purnia.
7. Bibi Ahmedi Khatoon W/o Md. Abdul Aziz Resident of Village-Khutti Dhunaili, P.S.-K.Nagar, District-Purnia.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ajit Kumar Singh, Advocate
For the Respondent/s : Mr.Addl. Advocate General (12)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-02-2026

This LPA has been filed by the appellants challenging the order dated 22.04.2025 passed by the learned Single Judge in CWJC No. 3530 of 2017.

2. The writ petition was filed seeking for the following relief(s):-



“For issuance of a writ or writs, direction or directions to the Collector, Purnia to delete the lands described hereinafter in this application from the District Purnia Gazette Notification no. 4 dated 1.6.1990 published u/s 15 (1) of the Land Ceiling Act, as the land so purchased by the petitioners have been declared surplus land of the landholder Sri Mati Sidhi Ramaji which have been sold by her heirs and legal representatives in the year 1960 and 1967 without any intention to defeat the provisions/Land of Land Ceiling Act.

The land so declared surplus have done without initiating any been proceeding u/s 5 (1) (iii) of the Land Ceiling Act by the authorities and without setting aside the sale deed, and without giving any opportunity to the petitioners to be heard, though the petitioners have been coming in physical cultivating possession over the land from their date of purchases, got their names mutated in the Sirista of the State, paid rent and got rent receipts whereof issued in their favour.”

3. The respondent nos. 2 to 4 filed the counter affidavit, wherein, it is stated as follows:-

“4.That the averments made in the instant writ application which are not specifically admitted and are beyond/contrary to the records of the case are hereby denied.

5.That a land ceiling proceeding vide Land Ceiling Case No. 01/1983-84 was duly initiated against the land holder Kumar Ganganand Singh and after the death of Kumar Ganganand Singh his widow Siddhi Ramaji was substituted. The subject property appertaining to Mauja Khutti Dhunaili, Khata No. 762, Khesra No. 7 alongwith other land was also part of that land ceiling proceeding. Subsequently after duly hearing the parties and perusing the record the Collector under the act declared the land in question as surplus land and final publication of the draft under section 11 (1) of Bihar Land Reform (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 was published on 27/03/1989 vide Extraordinary notification no. 36.

6. That subsequently after following due procedure



the subject property was acquired by the State vide notification no. 2766 dated 06/06/1990 published U/s 15 (1) of the Act in the Extraordinary issue no. 04 dated 01/06/1990.”

4. The learned Single Judge, after hearing the parties and going through the pleadings has been pleased to hold as follows:-

“3. The counter affidavit of the State respondent clearly shows that the acquisition took place and the notification was published under Section 15(1) of ‘the Act’ in the extraordinary gadget on 01.06.1990. The writ petition has been filed in the year 2017 and the stand of the State is that the land in question stands settled with the different persons under Section 27 of the Act by way of red card and they have not even been impleaded as party respondents.

4. In that background, the writ petition stands dismissed, both on the ground of delay and laches as also the non-joinder of necessary parties.”

5. With respect to the issue of delay and laches, the issue is no more *res integra* rather the Hon’ble Apex Court in the case of ***Mrinmoy Maity vs. Chhanda Koley & Ors***, reported in ***(2024) 15 SCC 215*** has held that:

“11. For filing of a writ petition, there is no doubt that no fixed period of limitation is prescribed. However, when the extraordinary jurisdiction of the writ court is invoked, it has to be seen as to whether within a reasonable time same has been invoked and even submitting of memorials would not revive the dead cause of action or resurrect the cause of action which has had a natural death. In such circumstances on the ground of delay and laches alone, the appeal ought to be dismissed or the applicant ought to be non-suited. If it is found that the writ petitioner is guilty of delay and laches, the High Court ought to dismiss the petition on that sole ground



itself, inasmuch as the writ courts are not to indulge in permitting such indolent litigant to take advantage of his own wrong. It is true that there cannot be any waiver of fundamental right but while exercising discretionary jurisdiction under Article 226, the High Court will have to necessarily take into consideration the delay and laches on the part of the applicant in approaching a writ court.”

6.After hearing learned counsel for the parties and upon considering the stand taken by the learned counsel for the State in the counter affidavit, as well as the reasoning assigned by the learned Single Judge while dismissing the writ petition on the grounds of delay and laches and non-joinder of necessary party, the order appears to be fully justified, and there cannot be said to be any perversity or illegality in the same.

7. Accordingly, the present L.P.A stands dismissed.

8. Pending I.A., if any, stands disposed of.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
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