GAHC010103442026

2026:GAU-AS:15407

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2791/2026

KUTUMONI KALITA
S/O- LATE JALIRAM KALITA, R/O.- JHANJIMUKH, KOIBOTTA GARH GAON,
P.O.- JHANJIMUKH, P.S.- TEOK, PIN-785112, DIST- JORHAT, ASSAM

VERSUS

UNION OF INDIA AND 6 ORS
MINISTRY OF JAL SHAKTI E-GOVERNANCE CELL, 6TH FLOOR CABIN,
SHRAM SHAKTI BHAWAN, RAFI MARG, NEW DELHI-110001.

2:BRAHMAPUTRA BOARD BASISTHA
GUWAHATI
ASSAM
PIN- 781029.

3:THE STATE OF ASSAM
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM
WATER RESOURCES DEPARTMENT
DISPUR
GUWAHATI-6.

4:THE CHIEF ENGINEER
WATER RESOURCES DEPARTMENT
ASSAM
BASISTHA
GUWAHATI-29.

5:THE SUPERINTENDENT ENGINEER
W. R. DEPARTMENT
SIVASAGAR WR CIRCLE
SIVASAGAR
PIN-785640.

6:THE EXECUTIVE ENGINEER
JORHAT W. R. DIVISION
JORHAT PIN-785001.

7:THE ASSISTANT EXECUTIVE ENGINEER
JORHAT W. R. SUB-DIVISION
JORHAT
PIN-785001

Advocate for the petitioner(s): Ms. KK Choudhury

Advocate for the respondent(s): Ms. P Chakraborty Standing Counsel
Water Resources Department

B E F O R E

HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

12.10.2026

Heard Ms. KK Choudhury, the learned counsel appearing on behalf of the petitioner. Also herd Ms. P Chakraborty, the learned Standing Counsel, Water Resources Department.

2. The petitioner herein has filed the instant writ petition seeking a direction upon the respondent authorities to pay an amount of Rs.8,62,802/-.

3. It is seen from a perusal of the writ petition that the claim which is being made is based upon certain work orders which were issued in the year 2012 and 2013 respectively.

4. It is seen from a perusal of the writ petition that there is a reference to 5(five) work orders. A further perusal of the writ petition

would show that some of the work orders have been enclosed, whereby it is seen that the work was required to be completed within 60(sixty) days or 90(ninety) days at the maximum.

5. The petitioner thereupon in the year 2026 woke up and submitted an application under the *Right to Information Act, 2005* and information was provided by the State Public Information Officer wherein it is stated that as against the 5(five) work orders, an amount of Rs.8,62,802/- is pending. From a perusal of the said liability statement also, it is not seen as to whether the works in question have been completed.

6. Be that as it may, when the matter was listed before this Court on 01.06.2026 notice was issued.

7. The record reveals that the respondents have filed an affidavit stating inter alia that it was next to impossible for them to carry out any verification *inasmuch as*, the work orders were for the years 2012 and 2013 for a duration from 45(forty five) days to 90(ninety) days at the maximum. Thereupon, after 13(thirteen) years the petitioners have approached this Court.

8. It was also mentioned that the liability statement which was issued cannot be taken as an admission on the part of the Department.

9. This Court has also taken note of that the valuable defense of the

State is being taken away and if this Court passes a direction upon the State to carry out a verification and then to make payment after a lapse of more than a decade, it would cause great administrative difficulties. As on date, it cannot also be ascertained as to whether the work was carried out taking into account the nature of the work.

10. In this regard, this Court finds it appropriate at this stage to refer to the judgment of the Supreme Court in the case of ***Chennai Metropolitan Water Supply And Sewerage Board And Others v. T.T Murali Babu*** reported in ***(2014) 4 SCC 108***, wherein the Supreme Court clearly observed that a litigant cannot be permitted to behave like "Kumbhakarna". Paragraph Nos. 16 and 17 of the said judgment are reproduced hereinbelow:

> "*16. Thus, the doctrine of delay and laches should not be lightly brushed aside. A writ court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. As a constitutional court it has a duty to protect the rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the court would be under legal obligation to scrutinise whether the lis at a belated stage should be entertained or not. Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the court. Delay reflects inactivity and inaction on the part of a litigant — a litigant who has forgotten the basic norms, namely, "procrastination is the greatest thief of time" and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis.*

17. In the case at hand, though there has been four years' delay in approaching the court, yet the writ court chose not to address the same. It is the duty of the court to scrutinise whether such enormous delay is to be ignored without any justification. That apart, in the present case, such belated approach gains more significance as the respondent employee being absolutely careless to his duty and nurturing a lackadaisical attitude to the responsibility had remained unauthorisedly absent on the pretext of some kind of ill health. We repeat at the cost of repetition that remaining innocuously oblivious to such delay does not foster the cause of justice. On the contrary, it brings in injustice, for it is likely to affect others. Such delay may have impact on others' ripened rights and may unnecessarily drag others into litigation which in acceptable realm of probability, may have been treated to have attained finality. A court is not expected to give indulgence to such indolent persons — who compete with "Kumbhakarna" or for that matter "Rip Van Winkle". In our considered opinion, such delay does not deserve any indulgence and on the said ground alone the writ court should have thrown the petition overboard at the very threshold."

11. Considering the above, this Court is not inclined to exercise its jurisdiction under Article 226 of the Constitution.

12. Accordingly, this Court is not inclined to entertain the present writ petition, for which, the same is dismissed.

13. Be that as it may, the petitioner herein is given the liberty to approach the competent Civil Court, if so permissible under the law and the period during which the instant writ petition has been pending i.e. w.e.f. 22.05.2026 till date be excluded while computing the period of limitation.

JUDGE

Comparing Assistant