

15. 15.05.2026.
Court No.07.
(Pritam)

WPA 10678 of 2026.

Biswa Bhanu Mandal.

-Vs.-

The State of West Bengal & Ors.

Mr. Giasul Islam,
Ms. Imon Ganguly.

...for the petitioner.

Mr. Supriyo Chattopadhyay.

.....for the WBSEDCL.

The grievance of the petitioner is directed against the installation of a High-Tension pole on agricultural land which allegedly belongs to the petitioner. It is submitted on behalf of the petitioner that by providing such electricity connection through such transformer, there is irreparable loss, prejudice and injury, which is being caused to the petitioner. There have been innumerable deaths purportedly caused because of such electricity being provided through overhead wires because of such transformer.

On behalf of the WBSEDCL, it is submitted that the above transformer was installed in the year 2011 and there has been no explanation in the writ petition as to why the petitioner has approached this Court after a period of more than 15 years.

In *Chennai Metropolitan Water Supply & Sewerage Board v. T.T. Murali Babu*, (2014) 4 SCC 108, it has been held as follows:

15. *In State of M.P. v. Nandlal Jaiswal* [(1986) 4 SCC 566 : AIR 1987 SC 251] the Court observed that: (SCC p. 594, para 24)

“24. ... it is well settled that the power of the High Court to issue an appropriate writ under Article 226 of the Constitution is discretionary and the High Court in the exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic.”

It has been further stated therein that: (Nandlal Jaiswal case [(1986) 4 SCC 566 : AIR 1987 SC 251] , SCC p. 594, para 24)

“24. ... If there is inordinate delay on the part of the petitioner in filing a writ petition and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in the exercise of its writ jurisdiction.”

Emphasis was laid on the principle of delay and laches stating that resort to the extraordinary remedy under the writ jurisdiction at a belated stage is likely to cause confusion and public inconvenience and bring in injustice.

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.

In view of the above, WPA 10678 of 2026 stands dismissed on the ground that there is inordinate, unexplained and unjustified delay in approaching the Writ Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all formalities.

(Ravi Krishan Kapur, J.)