

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

Ct. No.7 D/L 08.04.2026
(Naba) 08

**FMA 6 of 2026
With
CAN 1 of 2026**

**Amijul Miya & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Ankur Barman

...for the Appellants

Mr. Momenur Rahaman,
Mr. Sandip Guha Roy

...for the State Respondents

1. Heard the learned advocate for the appellants and the learned State advocate.
2. A writ petition is filed in the year 2026 seeking enhancement/revision of a compensation allegedly paid to the predecessor-in-interest of the writ petitioner. The compensation was paid in the year 1986.
3. Finding such an approach to the writ court to be barred by the principles of delay and laches, the Hon'ble Single Judge has dismissed the writ petition. The order of the Hon'ble Single Judge dated 16.02.2026, is under appeal in the present intra-court appeal.
4. The learned advocate for the writ petitioner has not been able to show any reason being stated in the writ petition so as to explain this delay of about 40 years in approaching the

writ court, that also for a relief which could have been availed of under the provisions of the statute under which the compensation was allegedly paid to predecessor-in-interest.

5. We, therefore, do not find any infirmity in the rejection of the petitioner's claim by the Hon'ble Single Judge.
6. It is by now settled that the extraordinary and discretionary writ jurisdiction is exercised having regard to a timely approach to the jurisdiction for relief. The writ petitioner cannot be permitted to arise from deep slumber and approach the writ court at his own sweet will.
7. We consider it apposite to quote from Judgement of the Hon'ble Supreme Court of India in the case of **Chennai Metropolitan Water Supply and Sewerage Board & Ors. Vs. T.T. Murali Babu**, reported in **(2014) 4 SCC 108** wherein the Apex Court stated:

"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 scrutinize 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.”

8. Considering the delay and laches and for the reasons recorded hereinabove, we find no reason to interfere with the order of the Hon’ble Single Judge.
9. The appeal is dismissed.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)