

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.96 of 2021
In
Civil Writ Jurisdiction Case No.23282 of 2011

1. The State of Bihar.
2. The Secretary Water Resources Department, Bihar, Patna.
3. The Engineer-in-Chief Water Resources Department, Irrigation, Circle, 2.
4. The Superintending Engineer, Water Resources Department, Irrigation, Circle-2, Jamui.
5. The Executive Engineer Water Resources Department.
6. The Irrigation Circle-2, Jamui.
7. The Treasury, Jamui.

... .. Appellant/s

Versus

Avinash Singh, S/o Parsuram Singh, Resident of Village - Fullidoomar, P.S.-
Katoriya Bhagalpur, Now Banka.

... .. Respondent

Appearance :

For the Appellant/s : Mr. Deepak Sahay Jamuar, AC to AAG-4
For the Respondent/s : Mr. Alok Kumar Rahi, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

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

Date : 13-09-2024

Ref: I.A. No. 01 of 2024

Heard I.A. No. 01 of 2024 for condonation of delay of about 01 year and 08 months. Cause of action accrued to the Appellant-State on 30th August, 2019 in the light of order dated 30th July, 2019 passed in C.W.J.C. No. 23282 of 2011. L.P.A. was filed on 18.12.2020, it was not supported by I.A. for condonation of delay. On the other hand, delay application was



filed only on 12th September, 2024. In para-4 to 8 it is stated as under:

“4. That for filing L.P.A. before this Hon’ble Court after drafting statement of facts receiving in the office of AAG-04 on 03.03.2020 but since 16.03.2020 Lock down started in Bihar due to Covid-19.

5. That due to official process some delay has been caused in filing L.P.A.

6. That in the interest of justice and ends of justice the limitation to be condoned.

7. That the delay in filing of the present appeal was not caused by any intentional reasons.”

8. That the Appellant prays for a liberal and justice oriented approach in considering the causes behind the delay even though the same was unintentional, bona-fide and caused by the reasons beyond the control of the Appellant.”

2. Covid-19 period would not assist the State-Appellant for the reasons that cause of action accrued to the



Appellant on 30th August, 2019. Covid-19 was in vogue from 20th March, 2020 to March 2022. Prior to 20th March, 2020, seven months' time was available to the State-Appellant. Further, from March, 2022 till 12th September, 2024 there was inaction on the part of the Appellant-State. Resultantly, in not showing the cause for condonation of delay of about 01 year and 08 months, I.A. No. 01 of 2024 stands rejected. Resultantly, L.P.A. No. 96 of 2021 stands dismissed. Pending I.As., if any, stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.09.2024
Transmission Date	NA

