

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.217 of 2025

In

Civil Writ Jurisdiction Case No.12858 of 2023

Sushil Kumar S/o Late Rajendra Sharma, Resident of Vill.- Anatpur, Pargana Okri, P.S.- Ghosi, Distt.- Jehanabad.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
4. The District Education Officer, Jehanabad.
5. The District Magistrate cum Collector, Jehanabad.
6. The District Land Acquisition Officer, Jehanabad.
7. The Circle Officer, Jehanabad.
8. The Circle Inspector, Jehanabad.
9. The Circle Amin, Jehanabad.
10. Zafar Imam S/o Late Gulam Naqavi Mukhtar, Resident of Mohalla- Pach Mahala, P.O. and P.S.- Jehanabad, Distt.- Jehanabad.
11. Md. Zafir Son of Late Fakhruddin Dhunia, Resident of Mohalla- Pathakpuri, P.S.- Jehanabad, Distt.- Jehanabad.
12. Md. Riyazuddin Son of Late Fakhruddin Dhunia, Resident of Mohalla- Pathakpuri, P.S.- Jehanabad, Distt.- Jehanabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prashant Kashyap, Advocate
For the Respondent/s : Mr. Additional Advocate General (12)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 29-01-2026



The Letters Patent Appeal has been filed by the appellant Sushil Kumar challenging the order dated 04.02.2025 passed by the learned Single Judge in C.W.J.C. No. 12858 of 2023.

2. The writ petition was filed by the appellant with following prayer :-

“(i) For issuance of appropriate writ(s) thereby commanding upon the Respondents concerned to deliver the possession of 16½ (10% + 6¼) decimal of land of Khata no. 223, Plot no.- 690 at Mouza- Makhdumpur Unta, Distt.- Jehanabad to the petitioner which are still parti land outside the boundary wall of Govt. Girls Middle School, Jehanabad for which 1.60 Acres of land had been acquired by the State Govt. vide L.A. Case no. 15/ 1966-67 but said 16½ decimal of petitioner's land is lying parti and falls outside the boundary wall of the school without any utilization and without payment of any compensation to the petitioner.

(ii) For further directing the Respondents to pay the Petitioner the compensation at the new rate for rest 5½ decimal of petitioner's land of Khata no. 223, Plot no. 690 at Mouza-Makhdumpur Unta, Distt.- Jehanabad on which PCC Road is built without any compensation paid to the petitioner while acquiring the said piece of land in L.A. Case no.- 15/1966-67.

(iii) For alternatively directing the



Respondents to deliver the possession of Vivah Bhawan built on 3 decimal in north of land outside the boundary wall of the school of Khata no.-223, Plot no.-690 at Mouza- Makhdumpur Unta, Distt.- Jehanabad in lieu of 5 ½ decimal of Petitioner's land upon which PCC Road has been constructed without any payment of compensation to the Petitioner in LA. Case no.- 15/1966-67.

(iv) For grant of any other relief (s) which the Petitioner may be entitled to in the facts and circumstances of the case.”

3. The learned Single Judge after hearing the preliminary objection raised by the learned counsel for the State has been pleased to hold as follows:-

“2. The learned counsel appearing on behalf of the State, at the outset, submits that the writ application be dismissed on the grounds of delay and laches. It is further submitted that petitioner is not the land owner rather had purchased the land from one Md. Fakhruddin in the year 1958. It is further submitted that the land in dispute was acquired vide L.A. Case No. 15 of 1966-67 and since then the petitioner never raised any objection, but all of a sudden in the year 2008 started raising objection. It is further submitted that for the same dispute, one Jafar Imam has filed C.W.J.C. No. 8210 of 2015 and the same is pending adjudication, on the ground that the land in dispute was gifted to him by Md. Fakhruddin.

3. The learned State counsel next submits



that whether the land was gifted to Jafar Imam or the land was purchased by the petitioner from Md. Fakhruddin is an issue to be adjudicated by an authority competent, but then for the present it is submitted that the land was acquired in the year 1066-67 and all of sudden in the year 2023, the instant writ application has been filed which amply demonstrates that petitioner, at his leisure, is moving.

4. The learned counsel appearing on behalf of the petitioner is not in a position to rebut the submission of the learned counsel appearing on behalf of the State that the land in question was acquired vide L.A. Case No. 15 of 1966-67 and the petitioner for the first time had moved before this Court in the year 2023, as such, the writ application is dismissed on the grounds of delay and laches.”

4. There is no dispute on the basis of the averment. It appears that the cause of action arose in 1966-67 and the writ petition was filed in the year 2023 and moreover, it appears from the pleadings of the writ petition that there are disputed question of fact involved in the case.

5. The law is well settled that the writ Court can dismiss a writ petition on the ground of delay and laches.

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 **Mrinmov Maitv vs. Chhanda Koley, (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. In view of the limited scope of interference in the Letters Patent Appeal and since we do not find there is any perversity in the order of the learned Single Judge, we are not inclined to interfere with the same.

7. Accordingly, the Letters Patent Appeal stands dismissed.



8. Interlocutory Application(s), if any, shall stand disposed of.

(Sangam Kumar Sahoo, CJ)

(Bibek Chaudhuri, J)

shailendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	30.01.2026
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