

Pt. Girdharan Prasad Missir

Vs

State of Bihar

Civil Appeal No. 2310 (N) of 1969

06.08.1979

JUDGMENT

GUPTA, J. –

1. This appeal is directed against an order of Division Bench of the Patna High Court dismissing the writ petition filed by the appellants before us inter alia on the ground of undue delay in making the petition. By filing the writ petition, the appellants questioned the validity of acquisition of Plot Nos. 449 and 447 of Khata Number 29, Touzi No. 915 of Village Naraipur, Police Station Bagaha in the District of Champaran under the Land Acquisition Act. The High Court held that the unexplained delay in making the petition was itself a good ground for dismissing the writ petition, but also proceeded to consider the merits of the case and found that the petition was liable to be dismissed.

2. The notification under Section 4 of the Land Acquisition Act was issued in this case on May 22, 1956. The notification under Section 6 is dated December 20, 1953. The award was made on July 14, 1962 and Collector took possession of the disputed property on August 27, 1963. The writ petition was filed on March 12, 1964. The High Court found that the delay of more than 17 months from the date of the award has not been satisfactorily explained. Counsel for the appellants refers to a number of decision of this Court which deal with the question of delay and all of them agree that in such matters each case would depend upon its own facts. We find no reason why the appellants, if they were convinced that acquisition proceedings was invalid, could not file the writ petition within a reasonable time after the Section 6 notification was made, which was in 1958. Really therefore, the delay was longer than the High Court thought necessary. On these facts, we are of opinion that the High Court was right in holding that the explained delay was a good ground for dismissing the writ petition. As the view we have taken on the question of delay is sufficient to dispose of the appeal, we do not consider it necessary to go into the other question raised on behalf of the appellants.

3. The appeal is dismissed with costs.

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