

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P (C) No. 1567 of 2019

Ravindra Kumar Verma, aged about 58 years, son of Late Balkrishna Prasad, Resident of Muhalla-Sakrogarh, Anchal-Sahibganj, P.O. and P.S-Sahibganj, District-Sahibganj, (Jharkhand) Petitioner

Versus

1.The State of Jharkhand.
2.Commissioner, Santhal Pargana Chotanagpur Division, Dumka.
3.Deputy Commissioner, Sahibganj.
4.Sub Divisional Officer, Sahibganj. Respondents

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioner : Mr. J.S. Tiwary, Adv.
For the Respondents : Mr. Vineet Prakash, A.C to S.C (L & C) I

5/Dated: 31st July, 2019

The order dated 20.11.2014 passed in RMA-119 of 1990-91 by the Commissioner, Santhal Pargana Chotanagpur Division, Dumka by which the appeal filed against the order dated 04.10.1990 passed by the Deputy Commissioner, Sahibganj against the recommendation of Subdivisional Officer passed in R M Case No.83 of 1988-89 has been affirmed.

Mr. J.S. Tiwary, learned counsel for the petitioner has taken short point without entering into the merit that the revisional authority without assigning any reason for agreeing with the order passed by the appellate authority has dismissed the revision.

According to him the revisional authority is required to assign at least brief reason of agreeing with the or disagreeing with the view of the appellate authority but having not done so the revisional authority in a very mechanical and cryptic manner has dismissed the revision application, hence the same is not sustainable in the eye of law.

Mr. Vineet Prakash, learned A.C to S.C (L & C) I for the State of Jharkhand has tried to defend the order by submitting that the Deputy Commissioner has passed detailed order after taking into consideration the report considered by the Circle Officer and the revisional authority by taking into consideration the order has dismissed the revision, therefore, there cannot be said that there is no application of mind.

This Court after hearing learned counsel for the parties and on appreciation of the rival submissions although is agreed with argument advanced on behalf of the petitioner but the question herein is an order

passed by the revisional authority dated 20.11.2014, can it be allowed to assail after lapse of five years.

Learned counsel for the petitioner has tried to impress upon the Court that all of a sudden in a revision filed in the year 1990-91 the order has been passed on 20.11.2014, therefore, he has got no occasion to know about the said final order but this aspect of the matter is also not acceptable in view of the fact that the petitioner has filed a requisition for getting the certified copy of the order on 15.04.2017 which has been supplied on 19.04.2017 and even thereafter the instant writ petition has been filed after lapse of about two years.

Therefore, this Court is of the view that the order passed on 20.11. since been challenged after lapse of about five years, is of the view that there is delay in filing the instant writ petition of about five years and therefore, this Court by following the position of law that the writ petition may not be entertained if there is any delay or laches on the part of the litigant and not sufficiently explained, is not inclined to interfere with the impugned order.

Accordingly, the writ petition fails and is dismissed.

(Sujit Narayan Prasad, J.)