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HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 346 of 2022**

Haritima Paryavaran Sanrakshan Sewa Samiti A Duly Registration Society Under The Societies Registration Act, 1860 Having Its Registration No. 3467/1996 Registered Address Flat No. 604, Kashi Apartment, Geetanjali Nagar , Raipur , District Raipur Chhattisgarh. Through Its President Dr. Manoj Soni S/o Shri D.P. Soni, Aged About 50 Years , R/o House No. 12, Road No. 01, Near Dwarika Restaurant , Pushpak Nagar, Durg, Bhilai District Durg Chhattisgarh Pin Code 490020.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Principal Secretary Forest , Department Of Forest And Climate Change, Government Of Chhattisgarh Mantralaya Mahanadi Bhawan, Nava Raipur District Raipur Chhattisgarh Pin Code 492 002.
2. Principal Chief Conservator Of Forest Chhattisgarh Aranya Bhawan North Block, Sector 19, Kotara Bhantha, Naya Raipur , District Raipur Chhattisgarh Pin Code 492 101.
3. Divisional Forest Officer Katghora Division Dfo Office, Katghora, District Korba Chhattisgarh Pin Code 495 452

---- Respondents

WPC No. 369 of 2022

Haritima Paryavaran Sanrakshan Sewa Samiti A Duly Registered Society Under The Societies Registration Act, 1860 Having Its Registration No. 3467/ 1996, Registered Address- Flat No. 604, Kashi Apartment, Geetanjali Nagar, Raipur, District Raipur Chhattisgarh. Pin Code - 492001. Through Its President Dr. Manoj Soni, S/o Shri D.P. Soni, Aged About 50 Years, R/o House No. 12, Road No. 1, Near Dwarika Restaurant, Pushpak Nagar, Durg, Bhilai, District Durg Chhattisgarh. Pin Code 490020.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Principal Secretary Forest, Department Of Forest And Climate Change, Government Of Chhattisgarh, Mantralaya, Mahanadi Bhawan, Nava Raipur, District Raipur Chhattisgarh Pin Code 492002.
2. Principal Chief Conservator Of Forest Chhattisgarh Aranya Bhawan, North Block, Sector - 19, Kotra Bhantha, Naya Raipur, District Raipur Chhattisgarh. Pin Code 492101.
3. Divisional Forest Officer Narayanpur Division, Dfo Office, Narayanpur, District Korba Chhattisgarh Pin Code 494u 661.

---- Respondents

WPC No. 340 of 2022

Haritima Paryavaran Sanrakshan Sewa Samiti A Duly Registered Society Under The Societies Registration Act, 1860 Having Its Registration No. 3467/1996. Registered Address Flat No. 604, Kashi Apartment, Geetanjali Nagar, Raipur, District Raipur Chhattisgarh Pin Code 492001. Through Its

President Dr. Manoj Soni, S/o Shri D.P. Soni, Aged About 50 Years, R/o House No. 12, Road No. 1, Near Dwarika Restaurant, Pushpak Nagar, Durg Bhilai, District Durg Chhattisgarh. Pin Code 490020.

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Principal Secretary, Forest, Department Of Forest And Climate Change, Government Of Chhattisgarh, Mantralaya, Mahanadi Bhawan, Nava Raipur, District Raipur Chhattisgarh Pin Code 492002.
2. Principal Chief Conservator Of Forest Chhattisgarh Aranya Bhawan, North Block, Sector- 19, Kotara Bhantha, Naya Raipur, District Raipur Chhattisgarh Pin Code 492101.
3. Divisional Forest Officer Kanker Division, Dfo Office, Kanker, District Kanker Chhattisgarh Pin Code 494334.

---- **Respondents**

WPC No. 365 of 2022

Haritima Paryavaran Sanrakshan Sewa Samiti A Duly Registered Society Under The Societies Registration Act, 1860 Having Its Registration No. 3467 / 1996, Registered Address Flat No. 604, Kashi Apartment Geetanjali Nagar , Raipur , District Raipur Chhattisgarh Pin Code 492 001. Through Its President Dr. Manoj Soni, S/o Shri D.P.Soni , Aged About 50 Years , R/o House No. 12 , Road No. 01 Near Dwarika Restaurnat , Pushpak Nagar, Durg Bhilai, District Durg Chhattisgarh Pin Code 490 020.

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Principal Secretary Forest, Department Of Forest And Climate Change, Government Of Chhattisgarh, Mantralaya , Mahanadi Bhawan, Nava Raipur District Raipur Pin Code 492 002.
2. Principal Chief Conservator Of Forest Chhattisgarh Aranya Bhawan , North Block Sector 19, Kotara Bhantha, Naya Raipur, District Raipur, Chhattisgarh, Pin Code 492 101.
3. Division Forest Officer Korba Division ,DFO Office, Korba, District Korba Chhattisgarh Pin Code 494 661.

---- **Respondents**

For Petitioner	:	Mr. K. Rohan, Advocate
For State	:	Mr. Rahul Jha, GA

Hon'ble Shri Justice P. Sam Koshy
Order on Board

31/01/2022

1. All these four writ petitions of identical nature have been filed seeking for following reliefs:-
 - “a) Call for the entire records pertaining to the present case.
 - b) Issue a Writ of Mandamus directing the Respondent Authorities for making payment to the petitioner Society for the work undertaken along with suitable interest.
 - c) Issue a writ of mandamus directing the respondent authorities to conduct an enquiry into the systematic conspiracy and wide spread corruption carried out by the erring officials as highlighted and evident from the facts and circumstances of the instant lis.
 - d) Issue a Writ of Mandamus directing the respondent authorities to take suitable disciplinary and penal action against the erring officials who indulged in the systematic conspiracy and wide spread corruption which resulted in the denying/depriving the petitioner society its legitimate dues.
 - e) Grant the cost of the petition to the petitioner.
 - f) Grant any other relief as deemed fit and proper in the facts and circumstances of the case.”
2. At the outset, this Court finds that the writ petition suffers from inordinate delay and latches.
3. From the perusal of the pleadings it is evident that the work orders allotted to the petitioner were that of the year 2011. The work was completed by the petitioners in the year 2011 itself. The completion certificate by the respondents also was received in the very same year i.e. 2011. The bills by the petitioners were also raised as early as in August, 2011 itself.
4. The present writ petition now has been filed in the month of December, 2021 i.e. after almost around 10 years time. The writ petition now has been filed with an explanation for the delay on the

ground that initially the respondents had disputed the claim raised by the petitioner by stating that payment have already been made. Thereafter, the petitioners sought certain information under RTI in the year 2018. The information sought was also provided to the petitioner in the year 2018 itself and it is on the basis of said information obtained the present writ petition now has been filed. In addition the petitioner has also taken the ground of ill health of the president of the society and also the Pandemic which subsequently ensued in 2020 and which is still going to be the reason for delay in filing of the writ petition.

5. This Court finds that justification provided by the petitioner does not seems to be justified ground for more than one reasons. Admittedly, the claim of the petitioner arose in the year 2011. Another admitted fact is that the writ petition has been filed after a period of 10 years. The nature of claim put forth by the petitioner is purely a monetary claim which the petitioners are claiming from the respondents. If at all, if the petitioners monetary claim was not cleared by the respondents within a reasonable period, the petitioner had a remedy of approaching the concerned Civil Court redressing his grievance and raising the claim. The petitioner at that point of time did not avail such a remedy.
6. It is pertinent to mention that even the information sought for by the petitioner under the RTI is one which has been sought after seven years from the date the claim of the petitioner originally fructified in 2011. Even, thereafter the present writ petition has been filed almost after a gap of 3 ½ – 4 years which again is after a considerable

period of time. It would not be justified for the High Court now at this juncture after a decade to entertain the writ petition particularly in respect of settling of monetary claims.

7. The law so far as entertainment of writ petition is concerned by now well settled. The writ petition may be filed for the enforcement or protection of the fundamental right guaranteed of an individual or an institution or a society enshrined under the Constitution of India. The writ petitions are to be entertained only in the event if there is no other alternative efficacious remedy available. This in other words means that in the event of there being an alternative remedy available it is necessary that the writ petitions should not be entertained as a matter of routine.
8. True, it is there is no time limit prescribed for entertaining the writ petition. However, in a catena of decisions Hon'ble Supreme Court has reiterated the aspect of the writ petitions normally should have to be filed within a reasonable period of time. By no stretch of imagination can a period of a decade be treated as a reasonable period of time. The delay is not one which was for any specific or a particular reason beyond his control except for the fact that petitioner in between tries to fill up the gap by moving appropriate application under RTI. Other than that there was no reason strong enough explaining the delay caused. Getting information under RTI and on the basis of that information if a person tries to justify the delay latches in approaching the Writ Court, this Court is of the firm view that it would be inviting Pandora box of similar claims by all those persons who have till now slept over their claim and would now try to

approach the Writ Court on the basis of some information that they may obtain under RTI.

9. It is not a case where the petitioner could not have availed information under RTI at an appropriate time when the respondents had raised a dispute in respect of their claims. The provision of RTI was even then available, yet the petitioner waited for almost seven years for getting the information under RTI.
10. So far as the delay and laches are concerned, the law in this regard is by now well settled by a series of decisions of the Hon'ble Supreme Court. The question of delay and laches came to be considered recently by the Supreme Court in case of **State of Uttaranchal and Another v. Shiv Charan Singh Bhandari and Others**¹ in which the court has declined to exercise extraordinary jurisdiction in case the petitioner invokes jurisdiction of court with inordinate delay, and held as under :

"In State of T.N. v. Seshachalam[8], this Court, testing the equality clause on the bedrock of delay and laches pertaining to grant of service benefit, has ruled thus: -

...filing of representations alone would not save the period of limitation. Delay or laches is a relevant factor for a court of law to determine the question as to whether the claim made by an applicant deserves consideration. Delay and/or laches on the part of a government servant may deprive him of the benefit which had been given to others. Article 14 of the Constitution of India would not, in a situation of that nature, be attracted as it is well known that law leans in favour of those who are alert and vigilant."

11. Likewise, in the case of **Uttaranchal Forest Development Corpn. and another v. Jabar Singh and others**², it was observed as under:

"43. The termination order was made in the year 1995 and the writ petitions were admittedly filed in the year 2005 after a delay of 10 years. The High Court, in our opinion, was not justified in entertaining the writ petition on the ground that the petition has been filed after a delay of 10 years and that the writ petitions should have been dismissed by the High Court on the ground of laches."

¹ 2013 (12) SCC 179

² (2007) 2 SCC 112

12. Further, in the case of **New Delhi Municipal Council v. Pan Singh and others**³, the Supreme Court reiterating the principles relating to interference in cases where the petitioner approached the Court with unexplained delay, held as under:

“16. There is another aspect of the matter which cannot be lost sight of. The respondents herein filed a writ petition after 17 years. They did not agitate their grievances for a long time. They, as noticed herein, did not claim parity with the 17 workmen at the earliest possible opportunity. They did not implead themselves as parties even in the reference made by the State before the Industrial Tribunal. It is not their case that after 1982, those employees who were employed or who were recruited after the cut-off date have been granted the said scale of pay. After such a long time, therefore, the writ petitions could not have been entertained even if they are similarly situated. It is trite that the discretionary jurisdiction may not be exercised in favour of those who approach the court after a long time. Delay and laches are relevant factors for exercise of equitable jurisdiction. (See *Govt. of W.B. v. Tarun K. Roy*, *U.P. Jal Nigam v. Jaswant Singh* and *Karnataka Power Corpn. Ltd. v. K. Thangappan*.)”

13. In the case of **P. S. Sadasivaswamy v. State of Tamil Nadu**⁴, it has been held as under:-

“It is not that there is any period of limitation for the Courts to exercise their powers under Article 226 nor is it that there can never be a case where the Courts cannot interfere in a matter after the passage of a certain length of time. But it would be a sound and wise exercise of discretion for the Courts to refuse to exercise their extraordinary powers under Article 226 in the case of persons who do not approach it expeditiously for relief and who stand by and allow things to happen and then approach the Court to put forward stale claims and try to unsettle settled matters. The petitioner's petition should, therefore, have been dismissed in limine. Entertaining such petitions is a waste of time of the Court. It clogs the work of the Court and impedes the work of the Court in considering legitimate grievances as also its normal work. We consider that the High Court was right in dismissing the appellant's petition as well as the appeal.”

14. In the case of **Bhoop Singh v. Union of India**⁵, it was held as under:

“8. There is another aspect of the matter. Inordinate and unexplained delay or laches is by itself a ground to refuse relief to the petitioner, irrespective of the merit of his claim. If a person entitled to a relief chooses to remain silent for long, he thereby gives rise to a reasonable belief in the mind of others that he is not interested in claiming that relief. Others are then justified in acting on that belief. This is more so in service matters where vacancies are required

³ (2007) 9 SCC 278

⁴ (1975) 1 SCC 152

⁵ (1992) 3 SCC 136

to be filled promptly. A person cannot be permitted to challenge the termination of his service after a period of twenty-two years, without any cogent explanation for the inordinate delay, merely because others similarly dismissed had been reinstated as a result of their earlier petitions being allowed.”

15. Again in the matter of **Chennai Metropolitan Water Supply and Sewerage Board and Others v. T.T. Murali Babu**⁶, the Supreme Court has clearly held that the delay may have impact on others’ ripened rights and may unnecessarily drag others into litigation, and expressed their opinion as under-

“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.

“In the case at hand, though there has been four years’ delay in approaching the court, yet the writ court chose not to address the same. It is the duty of the court to scrutinize whether such enormous delay is to be ignored without any justification. That apart, in the present case, such belated approach gains more significance as the respondent-employee being absolutely careless to his duty and nurturing a lackadaisical attitude to the responsibility had remained unauthorisedly absent on the pretext of some kind of ill health. We repeat at the cost of repetition that remaining innocuously oblivious to such delay does not foster the cause of justice. On the contrary, it brings in injustice, for it is likely to affect others. Such delay may have impact on others’ ripened rights and may unnecessarily drag others into litigation which in acceptable realm of probability, may have been treated to have attained finality. A court is not expected to give indulgence to such indolent persons – who compete with ‘Kumbhakarna’ or for that matter ‘Rip Van Winkle’. In our considered opinion, such delay does not deserve any indulgence and on the said ground alone the writ court should have thrown the petition overboard at the very threshold.”

⁶ 2014 (4) SCC 108

16. That recently touches on the delay laches Hon'ble Supreme Court with again extensively dealt upon in the case of **Union Of India & Others V. N Murugesan Etc. in Civil Appeal Nos. 2491-2492 with Civil Appeal Nos.2493-2494 of 2021** and have reached to the conclusion that the benefit of discretionary jurisdiction U/s 226 of the Constitution of India Court not to be extended in a case where a great element of undue delay/laches and acquiescence is involved, the Hon'ble Supreme Court had held all the recent past judgments of the subject matter of delay and laches in para 28.

17. This Court is of the firm view that all the writ petitions at this juncture deserves to be and are accordingly rejected on the ground of delay and laches alone. Rejection of the writ petitions would not preclude the petitioners from exploring other remedies, if at all available under law and also on the administrative side, if he so wants.

Sd/-
(P. Sam Koshy)
Judge

Rohit