

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

Case: LPA No. 159/2026

Reserved on .27.07.2026.

Pronounced on 04 .08.2026.

Uploaded on 05 .08.2026

Full judgment is pronounced

Abdul Majid Beigh

.....Appellant/Petitioner(s)

Through :- Mr. S.R.Hussain Advocate.

v/s

UT of J and K and others

.....Respondent(s)

Through :- None

CORAM:

HON'BLE THE CHIEF JUSTICE (ACTING)

HON'BLE MR. JUSTICE MOHD. YOUSUF WANI, JUDGE

JUDGMENT

Chief Justice (A)

1 This intra-Court appeal filed by the appellant, Abdul Majid Beigh, arises from an order and judgment dated 29.06.2026 passed by a learned Single Judge of this Court (hereinafter referred to as the "Writ Court") in WP(C) No. 1385/2026, titled *Abdul Majid Beigh vs. UT of Jammu and Kashmir and others*, whereby the Writ Court has dismissed the writ petition filed by the appellant seeking a writ of mandamus directing the respondents to pay him an amount of Rs.1,34,000/- on account of certain construction work executed by him for the respondent-Department.

2 The writ petition filed by the appellant has been dismissed by the Writ Court primarily on the ground that the claim raised by the appellant against

the respondents was hit by delay and laches. The impugned judgment has been assailed by the appellant primarily on the ground that the Writ Court has failed to appreciate that delay cannot come in the way of a citizen claiming his legitimate dues recoverable from the respondent-Department.

3 Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the judgment passed by the Writ Court is legally and factually correct and does not call for any interference by us in this appeal.

4 Admittedly, as per the Running Account Bill in Form No. 25 appended by the appellant with the writ petition, the work in question stood completed on 06.07.2009. The said bill also indicates that an amount of Rs.1,34,000/- was payable to the appellant on account of the said work. There is not even a single communication placed on record by the appellant with the writ petition which could demonstrate that there was any acknowledgment of liability by the respondents after 06.07.2009. The appellant has placed on record the order of allotment of work issued by the Executive Engineer, Jal Shakti (PHE) Division, Shopian, vide No. PHS/9298-9300 dated 31.03.2008, and the Running Account Bill for an amount of Rs.1,34,000/- dated 06.07.2009. Obviously, the appellant remained all along silent and did not lay any claim with the respondent-Department till a representation was made by him seeking release of the outstanding payment, which has been appended as Annexure-IV with the writ petition. Even this representation does not bear any number or date. It is in these circumstances, we have no manner of doubt that the payment of Rs.1,34,000/-, which was allegedly payable to the appellant by the respondents on **06.07.2009**, had become barred by limitation, if the appellant

were to choose to file a civil suit. Filing of the writ petition under Article 226 of the Constitution in the year 2026, i.e., after about 17 years from the accrual of the cause of action, is undoubtedly hit by delay and laches.

5 It is true that **Article 226 of the Constitution** has not prescribed any period of limitation, but the **High Court** may refuse relief where the claim is made after an unreasonable delay, and the maximum period prescribed for a civil action is a proper guide to be followed in such cases. It would mean that if a suit for recovery would be barred by limitation, the Writ Court normally would not grant that relief. It needs no emphasis that extraordinary constitutional remedies cannot be used to revive stale monetary claims. While we do not dispute that, in respect of admitted claim(s), where no determination of disputed questions of fact is involved, relief can be claimed against the State and its instrumentalities while invoking **Article 226 of the Constitution**, but such claim must be laid before the Court without much delay. Once a claim for money has become barred by the law of limitation, the same cannot be permitted to be raised in proceedings launched under **Article 226 of the Constitution**. Such claim would be stale and hit by delay and laches.

6 The aforesaid principle is no longer *res integra*. The Five-Judge Constitution Bench of the Supreme Court in *State of Madhya Pradesh v. Bhailal Bhai*, AIR 1964 SC 1006 has held that although Article 226 of the Constitution does not prescribe any period of limitation, the High Court, in the exercise of its discretionary writ jurisdiction, may decline relief where the claim is made after an unreasonable delay.

7 That apart, in the instant case, we do not find any document placed on record by the appellant with the writ petition indicating any acknowledgment

of liability by the respondent-Department towards the appellant. Viewed from any angle, the writ petition was not maintainable and was rightly dismissed by the Writ Court.

8 For all these reasons, we see no justification to interfere with the impugned judgment passed by the Writ Court. Accordingly, the appeal is dismissed, and the impugned judgment passed by the Writ Court is upheld.

(MOHD. YOUSUF WANI)
JUDGE

(SANJEEV KUMAR)
CHIEF JUSTICE(A)

JAMMU
04 .08/2026
SANJEEV

Whether judgment is reportable: Yes

