
(2008) 02 CHH CK 0009
In the Chhattisgarh High Court

Sharad Chand Malu (Jain)	Vs	APPELLANT
State of Chhattisgarh and Others		RESPONDENT

Date of Decision : 05-02-2008

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2008) 3 MPHT 118

Hon'ble Judges : Satish K. Agnihotri, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Satish K. Agnihotri, J.—The petitioner seeks a writ of mandamus commanding the respondents to accept the petitioner's highest bid, submitted by the petitioner in the open auction held on 22-2-2000, for auction of open land of old Kanji House, bearing Khasra No. 1273, area 3784 square feet, situated on the way of Nehru Chowk to Gandhi Chowk, Mahasamund.

2. Learned Counsel appearing for the petitioner submits that the auction proceedings were complete but the respondent No. 3 did not complete the auction by accepting the petitioner's highest bid for sale of the land in dispute. The petitioner submits that on account of the internal dispute amongst councillors of the Nagar Palika, the open auction held on 22-2-2000 could not be given effect to and no person was allotted the said land.

3. The petitioner has filed this petition on 31st January, 2008 after about 8 years of the date of auction i.e., 22-2-2000. On query, as to how such a belated petition can be entertained, particularly when there is no semblance of any right, learned Counsel appearing for the petitioner submits that the petitioner was engaged in making representations and writing applications to the various authorities. In this process the petitioner has spent almost 8 years, therefore this petition is not a belated one. Whether the petitioner has acquired any statutory or legal right by mere participating in the auction proceedings is also not clear.

4. I have heard learned Counsel appearing for the petitioner as well as for the respondents. It is evident that the respondents cannot be forced to give final effect to the auction by allotting the land to the petitioner. Even otherwise, the petitioner has not acquired any statutory right by virtue of participation in the auction proceedings to approach this Court for exercise of extra ordinary jurisdiction envisaged under Article 226 of the Constitution of India, belatedly after unexplained, inordinate delay of 8 years.

5. The petitioner has filed this petition with inordinate and unexplained delay of about 8 years. The Hon''ble Supreme Court in P.S. Sadasivaswamy Vs. State of Tamil Nadu, , has 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.

6. The Hon''ble Supreme Court in State of M.P. and Others Vs. Nandlal Jaiswal and Others, , which was relied on in Karnataka Power Corporation Limited through its Chairman and Managing Director and Another Vs. K. Thangappan and Another, , held that it is well settled that High Court in exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic as the belated approach may have the effect of inflicting not only hardship as inconvenience but also injustice on third parties. In view of the dicta laid down by the Hon''ble Supreme Court in several decisions and applying the settled position of law to the facts of the case, wherein the petitioner has approached this Court after a period of 8 years, without any justified reason, this petition deserves to be and is dismissed, summarily. No order as to costs.