

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 1519 of 2026

Anita Goswami @ Anita Kumari, aged about 49 years, wife of Kaushal Kishor Goswami, resident of Ekta Nagar, Shivaji Chowk, Booty More, Ward No.5 (RMC), P.O. Booty, P.S. Sadar, District Ranchi.
... .. Petitioner

Versus

1. Ranchi Municipal Corporation, Ranchi, through its Administrator, having its office at RMC Building, Kutcheri Road, P.O., G.P.O. & P.S. Kotwali, District Ranchi.
2. Chief Executive Officer, Ranchi Municipal Corporation, having its office at RMC Building, Kutcheri Road, P.O., G.P.O. & P.S. Kotwali, District Ranchi.

... .. Respondents

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s)	: Mr. Rupesh Singh, Advocate
For the RMC	: Mr. Prashant Kumar Singh, Advocate

02/ 17.03.2026

By way of filing this writ petition, the petitioner has sought for the following reliefs:-

- (a) Direction upon the respondents to ensure peaceful vacant possession of the land in issue ad measuring 225 Sq. Ft. (15 ft x 15 ft) pertaining to M.S. Plot No.241, Ward No.2, Ratu Road Junction, P.O.- GPO, P.S. Kotwali, which was duly allotted to the petitioner vide Letter No.2947 dated 23.12.2006 but in spite of payment of the entire statutory amounts by the petitioner, the respondents have not taken any effort to ensure its peaceful and physical possession to the petitioner, though the same had been brought to the knowledge of the respondents indicating*

the undue interference of anti social elements.

- (b) Direction upon the respondents to grant adequate protection to the petitioner from anti social elements, who create undue hindrance and obstruction with threat to life and liberty whenever the petitioner intends to take possession of the aforesaid piece of land duly allotted to her under the Social Welfare Scheme of self employment to women by the respondent Authorities.*
- (c) For payment of adequate compensation to the petitioner in view of the fact that the respondent Authorities have received all such statutory demands as raised by them against the petitioner totaling to Rs.65,715/- (Rupees Sixty Five Thousand Seven Hundred Fifteen), wayback in the year 2006-2010 but the petitioner has been left in lurch without any assistance and the hard earned money of the petitioner has been appropriated by the respondents without ensuring peaceful and physical possession of the allotted land as aforesaid."*

2. Heard learned counsel representing the petitioner and learned counsel representing the respondents.

3. The petitioner applied for a small piece of land under a Social Welfare Scheme from Ranchi Municipal Corporation (RMC) and was allotted 225 sq. ft. of land at Ratu Road, Ranchi. After the

allotment, she was asked to pay certain charges total of Rs.24,750/- which she paid on time. However, when she tried to take possession of the land and started construction, some anti-social elements stopped her. She also paid an additional amount of Rs.40,500/- for license renewal. The petitioner made several complaints and representations to the Authorities asking for help in getting peaceful possession of the land, but no action was taken.

4. Learned counsel for the petitioner submits that despite of full compliance made by the petitioner, the respondents failed to ensure delivery of peaceful physical possession of the allotted land. He further submits that the petitioner was prevented by anti-social elements, and the respondents took no effective steps to remove such obstruction. He also submits that the petitioner made several representations and complaints from 2007 to 2025 requesting assistance for taking possession and protection, however the respondents failed to act, showing gross negligence and inaction. He further submits that the respondents, being State Authorities, are under a legal obligation to ensure that the petitioner is put in peaceful possession of the allotted land.

5. Learned counsel for respondents submits that the allotment made in favour of the petitioner was subject to terms and conditions. He further submits that the petitioner cannot claim an absolute right over the land. The alleged obstruction to possession and construction was caused by anti-social elements, who are third parties. He also submits that the petitioner has approached this

Court after an inordinate and unexplained delay, as the cause of action arose in 2006–2010. Such delay disentitles the petitioner from any equitable relief under writ jurisdiction.

6. After hearing both the parties and upon perusal of the records, I find that the petitioner has approached this Court after an inordinate and unexplained delay, as the petition has been pursued much later, without any satisfactory explanation for such prolonged lapse of time. The petitioner has failed to demonstrate that she fulfilled all post-allotment conditions necessary for obtaining possession. Mere payment of certain amounts does not automatically confer an indefeasible or absolute right to claim possession. Relief cannot be granted to a party who sleeps over her rights and approaches the Court after unreasonable delay and laches.

7. The Hon'ble Supreme Court in the case of ***Mrinmoy Maity v. Chhanda Koley*** reported in **2024 SCC OnLine SC 551** has held that if it is found that the writ petitioner is guilty of delay and laches, the High Court ought to dismiss the petition on that sole ground itself, inasmuch as the Writ Courts are not to indulge in permitting such indolent litigant to take advantage of his/ her own wrong. Para-11 of the said judgment reads as hereunder:-

"11. For filing of a writ petition, there is no doubt that no fixed period of limitation is prescribed. However, when the extraordinary jurisdiction of the writ court is invoked, it has to be seen as to whether within a reasonable time same has been invoked and even submitting of memorials would

not revive the dead cause of action or resurrect the cause of action which has had a natural death. In such circumstances on the ground of delay and latches alone, the appeal ought to be dismissed or the applicant ought to be non-suited. If it is found that the writ petitioner is guilty of delay and latches, the High Court ought to dismiss the petition on that sole ground itself, in as much as the writ courts are not to indulge in permitting such indolent litigant to take advantage of his own wrong. It is true that there cannot be any waiver of fundamental right but while exercising discretionary jurisdiction under Article 226, the High Court will have to necessarily take into consideration the delay and latches on the part of the applicant in approaching a writ court. This Court in the case of Tridip Kumar Dingal v. State of W.B., (2009) 1 SCC 768 has held to the following effect:"

8. Taking into consideration the aforesaid judgment, I find that entertaining such delayed claims would set a bad precedent and result in administrative uncertainty. This Court also finds that the Writ Petition suffers from gross delay and latches and is thus liable to be dismissed with liberty to the petitioner to approach the Civil Court or any other Forum, for claiming compensation for breach of Contract.

9. With the aforesaid observation and liberty, this writ petition stands **dismissed**.

(ANANDA SEN, J.)

17th March, 2026

Prashant. Cp-2

Uploaded on 20.03.2026