

THE HIGH COURT OF MADHYA PRADESH
WP No.8953/2021
Babu Singh vs. State of M.P. & Ors.

Through Video Conferencing

Gwalior, Dated : 03.08.2021

Shri Rishikesh Bohare, Counsel for the petitioner.

Shri M.P.S. Raguvanshi, Additional Advocate General for the State.

This petition under Article 226 of the Constitution of India has been filed challenging the order dated 26.4.2018 passed by SDO, Raghogarh, District Guna in Case No.531A-2/2017-18.

It is fairly conceded by the counsel for the petitioner that the order under challenge is an appealable order.

Per contra, it is submitted by the counsel for the State that the petition has been filed belatedly after more than three years.

Heard the learned counsel for the parties.

Since this Court is not inclined to entertain this writ petition as the petitioner has an alternative remedy of filing an appeal, therefore, at this stage it is not appropriate for this Court to consider the question of delay and laches. If an appeal is filed, then the petitioner shall be under obligation to file an application under Section 5 of Limitation Act and the grounds which may be raised by the petitioner in the application filed under Section 5 of Limitation Act shall be considered by the Appellate Authority. Any observation on the

THE HIGH COURT OF MADHYA PRADESH
WP No.8953/2021
Babu Singh vs. State of M.P. & Ors.

question of delay and laches may prejudice the mind of the Appellate Authority.

Since the petitioner has an efficacious remedy of filing an appeal, therefore, this writ petition is **dismissed with aforesaid liberty.**

(alok)

(G.S. Ahluwalia)
Judge