

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14851 of 2012

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1. Hadish Ansari Son Of Kitaboodin Ansari Resident Of Village Pallia, P.O. Dehri, Police Station Rajapur, Anchal Chausa, District Buxar

2. Kitaboodin Ansari Son Of Late Jana Mian Resident Of Village Pallia, P.O. Dehri, Police Station Rajapur, Anchal Chausa, District Buxar

.... Petitioner/s

Versus

1. The State Of Bihar

2. The District Magistrate, Buxar

3. The Sub-Divisional Officer, Buxar

4. The Superintendent of Police, Buxar

5. The Anchal Adhikari, Rajapur, District Buxar

6. Sulman Mian Son Of Jan Mian Resident Of Village Pallia, P.O. Dehri, Police Station Rajapur, Anchal Chausa, District Buxar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandra Bhushan Singh

For the State Mr. S.S. Sinha AC to G.A.13

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 04-12-2015 I have heard the parties.

The petitioners are aggrieved by the order dated 30.08.2011 passed by the District Magistrate, Buxar in Case No. 73 of 2011 (Misc.). The application/representation was filed by the petitioner in the light of the order dated 17.05.2011 passed in CWJC No. 2858 of 2005 (Annexure-1) on 30.07.2011. The District Magistrate rejected the said application having been filed beyond time. The petitioner had filed the aforesaid writ petition being CWJC No. 2558 of 2005 which was

disposed of in the following terms:-

The petitioner is hereby directed to appear before respondent District Magistrate, Buxar within a period of four weeks from today with a certified copy of the present order and a detailed representation, raising all their grievances, which have been raised in the present writ petition. If the petitioners appear before the respondent- District Magistrate, Buxar and files a representation within the time prescribed by this Court, then that should be looked into by the respondent-District Magistrate and representation filed by the petitioner should be disposed of by a speaking order after giving an opportunity of hearing to the petitioner and all other concerned persons. After hearing the parties, if the respondent District Magistrate comes to a finding that some corrective measures are required to be taken, then such directions must be issued within a reasonable period of time. Entire exercise must be completed by the respondent District Magistrate within a period of six months from the date of appearance and filing of the representation by the petitioners.

However, if the petitioners do not appear before the respondent District Magistrate within a time prescribed by this Court and do not file a representation along with a certified copy of the present order, then it shall be construed that the present writ petition filed on behalf of the petitioners has finally been rejected by this Court.

Regard being had to the order which this Court passed on the writ petition, in my view, no relief can be

granted to the petitioner. Any indulgence granted would tantamount to modification of the writ order dated 17.05.2011 passed in CWJC No. 2558 of 2005.

The application is dismissed.

(Kishore Kumar Mandal, J)

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