

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2230 of 2015

=====

Goverdhan Lal Pujari S/o Late Baidya Sitaram inhabitant of Mohalla Kranti Marg,
PO-GPO, under PS - Sachivalya, town and District- Patna, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Collector-cum-District Magistrate, Patna its office at patna Collectorate P.S.
Gandhi Maidan, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Goverdhan Lal Pujari

For the Respondent/s : Mr. Rakesh Kumar Ojha

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 24-03-2015

The petitioner has appeared in person but subsequently on his request Mr. Radha Mohan Pandey, advocate has been permitted to appear and assist the Court.

The grievance of the petitioner is that the appellate court below admitted the appeal i.e. Title Appeal No. 18 of 2012 (State Vs. Goverdhan Lal Pujari) without condoning the delay and without passing any order on the petition filed by the petitioner raising objection in that regard. By filing a supplementary affidavit, the petitioner has brought on record the petition filed by the petitioner (respondent in the appeal) on 18.08.2012 itself praying for dismissal of the appeal as barred by limitation. It has been submitted that the

learned court below has committed error in not passing the order on the petition filed on behalf of the petitioner before admitting the appeal deferring the issue of limitation to be decided later on.

Without going into the merits of the contention of the petitioner on the issue of limitation, this writ application is disposed of with direction to the learned court below to pass appropriate order on its own merit in accordance with law on the petition dated 18.08.2012 which the petitioner has claimed to have filed in T.A. No. 18 of 2012 and is said to be still pending. The learned court below is directed to dispose of the said petition preferably within a period of three months from the date of receipt/production of this order.

This order has been passed without hearing the other side as this Court is satisfied that in view of the nature of the order, it is not necessary to hear the respondents.

The writ application is, accordingly, disposed of with aforesaid directions.

(V. Nath, J)

Devendra/-

U			
---	--	--	--