

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10797 of 2000

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Krishana Murari Prasad son of late Beni Prasad, Ex- Nazir, resident of Mohalla-Club Road, Aurangabad, District- Aurangabad.

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate and Collector, Gaya
3. Collector Aurangabad, District- Aurangabad
4. Accountant General, Bihar, Panta.

.... Respondents

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Appearance :

For the Petitioner/s : ...

For the Respondents : Mr. Bireshj Kumar Sinha, A. C. to -AAG2

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 31-07-2015

No one appears on behalf of petitioner.

2. This is an application seeking quashing of Memo No. 440 dated 27.4.1981 passed by the District Magistrate-cum-Collector, Gaya.

3. This writ application was filed on 25.10.2000 and I. A. No. 405 of 2013 has been filed seeking substitution of legal heirs of the original petitioner who is said to have died during the pendency of this writ application. No vakalatnama is, however, there along with the said I. A. No. 405 of 2013 on behalf of the persons required to be substituted upon the death of original petitioner. No order, therefore, can be passed on I. A. No. 405 of 2013.

4. Further, I do not intend to keep this matter pending as I am of the considered opinion that this writ application filed in the year 2000 seeking quashing of an order passed in 1981, cannot be entertained and deserves to be dismissed on the ground of delay and latches.

5. Further, from the order-sheet I find that when the matter was taken up for final hearing on 20.10.2011, there was no representation on behalf of the petitioner. Again, on 7.5.2015 when the matter was taken up, in the absence of any representation on behalf of the petitioner this writ application was dismissed for non-prosecution. Subsequently, restoration application appears to have been filed whereafter, this Court directed this application to be restored to its original file vide order dated 22.7.2015. Today also there is no representation on behalf of the petitioner.

6. As has been indicated above, I am not satisfied with the merit of this application. This writ application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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