

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8172 of 2008

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Most.Binda Devi w/o Late Vidya Nand Mishra, resident of village Aranda
Hasanpura, P.S.M.H.Nagar, District Siwan

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Collector, Siwan
3. The Circle Officer, Hussasinganj, Siwan
4. The Karamchari of Aranda Panchayat
- 5(a) Bhagwan Chowdhary
- 5(b) Rupa Chowdhary
- 5(c) Shambhu Chowdhary, all sons of Late Sri Ram Naresh Chaudhary
- 6(a) Bishnu Chowdhary
- 6(b) Budha Chowdhary, both sons of Late Murari Choudhary
7. Bideshi Chaudhary son of Banwari Choudhary, all are residents
of village Puraina, P.O. Nandrauli, P.S.M.H.Nagar, District Siwan

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mrs. Nivedita Nirvikar, GA 10

Mr. Anil Kumar Singh, AC to GA 10

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

12 04-08-2015

While this matter was being heard on 09.02.2015 by a Bench of this Court, it was noticed that for the same relief, the petitioner had earlier approached this Court in the year 2004 by filing a writ petition. The aforesaid fact was disclosed in paragraph 11 of the counter affidavit filed on behalf of the respondent nos. 2, 3 and 4. Since the averments made in the aforesaid counter affidavit was contested by the learned counsel appearing on behalf of the petitioner, therefore, the learned State counsel was directed to file a supplementary counter affidavit bringing on record the documents in support of such plea.

In compliance of the aforesaid order dated 09.02.2015 read with order dated 23.04.2015, a supplementary counter affidavit has been filed on behalf of the respondent nos. 2 to 4 on

24th June, 2015. In the aforesaid supplementary counter affidavit, a copy of the writ petition filed on behalf of the petitioner in the year 2004 has been brought on the record as Annexure-A and counter affidavit filed on behalf of the respondents has been brought on record as Annexure-B to the aforesaid supplementary counter affidavit.

This matter was called out yesterday (03.08.2015), but none had appeared on behalf of the petitioner though learned GA 10 was present. However, the matter was simply passed over by an oral order.

When the matter has been called out today, once again none has appeared on behalf of the petitioner in support of the present writ petition. The learned State counsel by referring to the averments made in the supplementary counter affidavit submits that the petitioner is guilty of suppression of material facts, therefore, the writ petition may be dismissed with costs.

If the statements made in the counter affidavit as also in the supplementary counter affidavit filed on behalf of the respondent nos. 2 to 4 are correct, then the matter is very serious and if the petitioner is guilty of suppression of material facts, the Court could have awarded heavy cost against the petitioner for concealment of material facts and for attempting to mislead this Court. Unfortunately, as noticed above, none is appearing on behalf of the petitioner, therefore, this Court restrains itself from imposing any cost against the petitioner. However, in the aforesaid factual matrixes, the writ petition is dismissed

(Birendra Prasad Verma, J)

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