

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11284 of 2013

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Vineet Kumar Bhandari @ Vineet Gupta
..... Petitioner/s

Versus

The State of Bihar & Ors.
..... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Mani Bhushan Kr.
For the Respondent/s : M/s D.B.Singh and Vijay Shankar Singh

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

8 09-12-2015 Heard learned counsel for the petitioner, State and the private respondent.

It is one of the unfortunate case where the petitioner has mischievously and in a wrong manner, in connivance with the Process Server, shown the compliance of service of notice upon Respondent nos. 5 and 7 which was, later on, transpired that they are the dead persons. This fact was brought to notice by the Respondent no. 6 and on that basis this Court referred the matter to the District Judge, Gaya to hold an enquiry in respect of report submitted by the Process Server and take a suitable action against him.

The District Judge, Gaya conducted the enquiry and found that the Process Server in connivance with the petitioner, has sent the report showing the compliance of service of notice upon Respondent nos. 5 and 7 and in paragraph 12, the court has recorded a specific finding that Respondent nos. 5 and 7 are the dead persons and the petitioner in connivance with the Process Server, has shown that the

notices have been served upon them.

On perusal of the service report it also transpires that the entry of service report has been made which has been verified by the petitioner, itself shows the mischievous activity of the petitioner.

This Court in a writ jurisdiction, cannot grant the relief to a person who is playing hoodwink and tried to snatch the order by playing fraud with this Court.

In such view of the matter, this writ petition is dismissed with a cost of Rs. 10,000/- that should be deposited in the High Court Legal Services Committee, Patna within 15 days. In failure to comply the order, Collector, Gaya will recover the amount as land revenue from the petitioner as personal liability and in that circumstance, it will carry 18% of compoundable interest.

It is further directed to initiate a departmental proceeding against Nawal Kishore Ram who has sent the false report about the service of notice upon Respondent nos. 5 and 7 of C.W.J.C. No.11284/2013 who have been found dead and also report to this Court about the action taken against him within two months.

(Shivaji Pandey, J)

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