

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2391 of 2016

In
Civil Writ Jurisdiction Case No. 8659 of 2016

=====

Nand Kishore Singh @ Dhuri Gope s/o Late Rajdeo Singh, Resident of
village Raghopur, New By Pass, P.S. Bakhtiyarpur, District Patna.

.... Petitioner/s

Versus

1.The State of Bihar through the Collector Patna, P.S. Kotwali, District
Patna.

2.The Collector Patna, P.S. Kotwali, District Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Rudal Prasad, Adv

For the Respondent/s : Mr. SC24 Sunil Kumar Mandal

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

2 11-07-2016 Heard Mr. Rudal Prasad, learned counsel for the
petitioner and learned counsel for the respondents.

The present application has been filed praying for
modification of the order dated 14.06.2016 passed in C.W.J.C
No. 8659 of 2016. It has been the stand of the petitioner as made
out in the petition that the petitioner has already availed the
forum of appeal and therefore, there is no need of any appeal as
observed by this Court in the said order.

During the course of submission, Mr. Rudal Prasad,
learned counsel for the petitioner has now taken a definite stand
that the present application for modification has been filed under
misconception of law and facts regarding the nature of the case

as mentioned in the order annexed as Annexure-1 to the main application i.e. CWJC No.8659/2016. It has been categorically stated that there has been no appeal filed by the petitioner against the original order of confiscation passed by the Collector under Section-6(A) of the Essential Commodities Act.

Learned counsel appearing for the state respondents has raised no objection to the aforesaid submission on behalf of the petitioner.

At this juncture, the learned counsel for the petitioner has made a prayer for extension of time for filing the appeal as granted by the order dated 14.06.2016 in C.W.J.C No. 8659 of 2016 on the premise that the said appeal could not be filed due to aforesaid misconception being laboured by the learned counsel for the petitioner.

After considering the submissions and the facts of the case, the order dated 14.06.2016 is modified to the extent that the four weeks time for filing the appeal as granted by the said order is extended by further four weeks. The prayer for modification is allowed to the aforesaid extent only.

This modification application is, accordingly, disposed of.

(V. Nath, J)

Ranjan/-

U			
---	--	--	--