

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2435 of 2016

In

Civil Writ Jurisdiction Case No. 22190 of 2011

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Gintia Devi wife of Saryu Yadav, resident of Village- Maniknagar, P.S. Ajamnagar, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Divisional Commissioner, Purnea Division, Purnea.
3. The Collector, Katihar.
4. The Additional Collector, Katihar.
5. The Subdivisional Officer, Barsoi, District Katihar.
6. The Deputy Collector, Land Reforms, Barsoi, District Katihar.
7. Sabita Devi wife of Murari Jha, at present residing at village and P.O. Pilakhwar, District Madhubani.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gyanand Roy, Adv.

For the Opposite Party Nos. 1 to 6: Mr. Kunal Tiwary, AC to GA-2

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 19-10-2016 Heard the learned counsel appearing on behalf of the petitioner and the learned AC to GA-2 appearing on behalf of the opposite party nos. 1 to 6.

The present M.J.C. application has been filed on behalf of the petitioner for restoration of C.W.J.C. No. 22190 of 2011, which stood dismissed on account of delayed compliance of the Court's peremptory order dated 16.3.2016.

The learned counsel appearing on behalf of the petitioner submits that though, the order dated 16.3.2016 could not be complied with within time prescribed, but it was complied with belatedly after a delay of three days. It is stated in paragraph-4 of the present M.J.C. application that the aforesaid order dated 16.3.2016 was finally complied with on 18.4.2016.

After having heard the parties and taking into consideration the averments made in the present M.J.C.

application, the prayer for restoration is allowed. C.W.J.C. No. 22190 of 2011 is directed to be restored to its original file subject to verification by the office about compliance of the order dated 16.3.2016, even belatedly. If the aforesaid order dated 16.3.2016 has not been fully complied with, then that must be fully complied with within a period of ten days from today, failing which it shall be construed that the prayer for restoration stood dismissed on account of non-compliance of the Court's present peremptory order.

However, if on verification, it is found that the order dated 16.3.2016 passed in C.W.J.C. No. 22190 of 2011 has been complied with, even belatedly, then the same shall be restored to its original file subject to deposit of costs of Rs.1000.00 (Rs. One thousand only) by the petitioner with the Patna High Court Legal Services Committee within a period of two weeks from today. The petitioner shall also file receipt in the Registry showing deposit of aforesaid costs within the aforesaid period of two weeks.

On compliance of the present order, the office shall proceed further as per order dated 16.3.2016 passed in C.W.J.C. No. 22190 of 2011 and henceforth, aforesaid C.W.J.C. No. 22190 of 2011 shall be listed before an appropriate Bench, as per roster, after obtaining necessary permission from Hon'ble the Chief .

The present M.J.C. application stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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