

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17506 of 2016

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Paras Nath Thakur son of Late Chulhai Thakur Resident of village -
Kusaiya, P.S.- Warisnagar, District - Samastipur

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The D.M.-cum-Collector, Samastipur.
3. The Sub-Divisional Officer, Sadar, District Samastipur.
4. The Circle Officer, Warisnagar Circle, District - Samastipur

.... Respondents

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Appearance :

For the Petitioner : Mr. Abhay Shankar Singh, Advocate
For the State : Mr. Vikas Kumar, AC to AG

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

3 25-10-2016 Heard the parties.

Records have been produced by learned counsel for the State. It is stated that the petitioner had filed a requisition for obtaining certified copy of the order concerned on 15.10.2016 and the certified copy was ready but the petitioner did not receive the same.

On the other hand, it is submitted on behalf of the petitioner that he did not receive the certified copy of the order, therefore, he was making complaints before different authorities.

It is contended by learned counsel for the State that the petitioner has already filed appeal before the appellate authority on 21.10.2016 and the records have already been received by the appellate authority but the petitioner has suppressed this fact.

However, from the prayer portion of memorandum of

appeal, copy of which has been produced for perusal today in Court, it appears that the prayer is for admitting the appeal without there being certified copy of the order concerned and also to call for the records.

Admittedly, the records have been called for by the appellate authority and the same have been received by it.

In view of the aforesaid fact that the development could not be conveyed to learned counsel for the petitioner on 22.10.2016 when the matter was taken up by this Court, in my view, it is a serious lapse on the part of the petitioner.

However, since, even the memorandum of appeal goes to show that at least the petitioner was not in possession of the certified copy of the order concerned, whether it was ready or not, this Court would allow the petitioner to withdraw this writ application to enable him to pursue his remedy before the appellate authority.

Accordingly, this writ application is dismissed as withdrawn with the aforesaid liberty.

However, the petitioner would be at liberty to receive the certified copy of the order concerned from the office of the Circle Officer concerned.

(Dr. Ravi Ranjan, J)

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