

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2891 of 2014

In
LPA 944 of 2014

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Sushil Kumar Choudhary, S/o Ramanand Choudhary R/o Village AND P.P.
Majholiya, P.S.- Ashok Paper Mill (O.P.), District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Board Darbhanga, through its Chairman.
3. The Chairman, District Board, Darbhanga.
4. The Vice-Chairman, District Board Darbhanga.
5. The District Magistrate, Darbhanga.
6. District Development Commissioner Darbhanga cum Chief Executive Officer, District Board, Darbhanga.
7. The District Engineer, District Board, Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Srinandan Prasad Singh
Mr. Ashok Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE RAMESH KUMAR
DATTA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

7 17-03-2016

M.J.C. No.2891 of 2014

This application is for restoration of Letters Patent Appeal, which stood dismissed in default on 10th July, 2014 for non-appearance of learned counsel for the appellant.

2. The petitioner has sought for restoration of I.A. No.4864 of 2014, which was also dismissed in default on 10th July, 2014.

3. For the reasons mentioned in the application, M.J.C.

No.2891 of 2014 is allowed.

4. Thus, I.A. No.4864 of 2014 and L.P.A. No.944 of 2014 are directed to be restored to their respective files.

I.A. No.4864 of 2014

This application is for condonation of 11 days delay in filing the Letters Patent Appeal, which was also dismissed in default on 10th July, 2014.

2. For the reasons disclosed in the application, we deem it proper to condone the delay in filing the Letters Patent Appeal.

3. I.A. No.4864 of 2014 stands disposed of.

L.P.A. No.944 of 2014

The present Letters Patent Appeal has been preferred by the appellant against an order dated 27th July, 2012 passed by the learned single Judge of this Court, whereby the claim of the petitioner for allotment of shop was declined in view of the fact that the shop in question was not constructed due to paucity of funds and that the amount deposited by the petitioner was refunded with some interest added thereon.

2. We do not find any error in the order of the learned single Judge. Once the shop, against which the appellant had deposited the amount, could not be constructed, the appellant could not make any claim for allotment in respect of other shops

constructed.

3. The learned single Judge has given liberty to the appellant to claim interest before the Civil Court of competent jurisdiction, if not satisfied with the interest awarded.

4. We do not find any error or illegality in the order of the learned single Judge, which warrants interference in the present appeal.

The appeal is, accordingly, dismissed.

(Hemant Gupta, J)

V.P.Sinha/-

(Ramesh Kumar Datta, J)

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