

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3692 of 2014

=====

Godhan Prasad Singh S/O Late Babu Ayodhya Prasad Singh R/O Village-
Agrahan, P.S. Haveli Kharagpur, District- Munger, Presently Residing At Sahid
Bhagat Singh Chowk (Grid Quila), Munger, P.S. Kotwali, District- Munger

.... Petitioner/s

Versus

1. The State Of Bihar through The Commissioner, Munger Division, Munger
2. The Commissioner, Munger Division, Munger
3. The Collector-Cum-District Magistrate, Munger
4. The Deputy Collector-Cum-Incharge Copying Department, Munger
5. The Khas Mahal Officer, Munger

.... Respondent/s

=====

Appearance :

For the Petitioner : Mr. Pramod Kumar Sinha with
Mr. Arvind Kumar Sharma and
Mr. Chetan Kumar, Advocates

For the Respondent/s : Mr. Dhurjati Kumar Prasad, GP 14 with
Mr. Ram Shankar Prasad, AC to GP 14

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 02-12-2016

Heard learned counsel for the parties.

Pursuant to order dated 29.11.2016, the respondents no.
3, 4 and 5 are present and have also filed their show cause.

In the show cause, the stand is that though instructions
were sent and the affidavit affirmed by the respondent no. 5, the same



could not be filed due to inadvertence, as the officer had got the same prepared through a different State Counsel who was not assigned the brief, on account of some communication gap. However, the Court had recorded in its order dated 29.11.2016 that the learned State Counsel had submitted that despite having communicated the order both through Fax as well as on telephone, neither instructions had come nor the concerned respondents were present.

Be that as it may, since the affidavit has been filed and the officers are present, having sought unconditional and unqualified apology, the Court does not propose to proceed any further in the matter and the issue stands consigned.

Coming to the merits of the matter, in view of the stand of the State that the requisitions submitted by the petitioner were not in order, the certified copies of the documents asked for could not be given and further with regard to the some of the documents, the same are not in their records and thus, obviously cannot be given. However, learned counsel for the State, on instructions from the officers, submitted that if the petitioner completes the required formalities, the certified copies of the documents available shall be provided to him within two working days.

Learned counsel for the petitioner is agreeable to such suggestion.



In view of the aforesaid, the writ petition stands disposed off with a direction to the petitioner to appear before the D.C.L.R., Munger, who is also In-charge of the office of the Khas Mahal Officer, Munger, on 5th December, 2016 at 11:00 A.M. in his office when all the required formalities shall be completed. It shall be the joint responsibility of the petitioner and the respondent no. 5 to ensure the same. The certified copies of the documents so requisitioned shall be supplied to the petitioner latest by 7th December, 2016.

It goes without saying that the documents which are not part of the records of the authorities, may not be given to him. However, if the petitioner files an application before the District Magistrate, Munger showing that such documents are deemed to be part of the records, it shall be the duty of the District Magistrate to get an enquiry done to locate the same. If the same are not located, copies would not be given, but if the same are located, copies shall also be given and in that event the District Magistrate shall fix responsibility as to why at the first instance such documents were not located and given to the petitioner. That exercise should also be done within two weeks from the date the petitioner files such application before the District Magistrate, Munger.

In view there being serious irregularities in the affidavit affirmed by the respondent no. 5, which was done by Mr.



Bindeshwari Singh, learned Advocate Oath Commissioner, Patna High Court, he has submitted a written apology and has undertaken that in future such mistake shall not be committed.

In view thereof, the Court would not like to pass any orders on the issue.

Personal appearance of the officers stands dispensed with.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	NAFR
U	

