

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22537 of 2013

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1. Manju Gupta Wife of late Hari Nath Gupta
2. Sandeep Raj Son of late Hari Nath Gupta
3. Sweta Kumari D/o of late Hari Nath Gupta
4. Saloni Kumari D/o late Hari Nath Gupta. all Resident Of Mohalla Bankipur, Muharrampur, Natraj Gali, P.O- Bankipur, P.S- Pirbahore, District- Patna (Bihar)

.... Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Department Of Revenue, Government of Bihar, Patna.
2. The Commissioner, Patna Division, Patna.
3. The Collector, Patna.
4. The Public Information Officer- Cum- Senior Deputy Collector, Legal Cell, Patna.
5. Manoj Kumar @ Gaurav S/O Dashrath Sao Resident Of Mohalla- Bakarganj, P.S- Pirbahore, District- Patna (Bihar)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhanendra Chaubey
For the Respondent/s : Mr. Subhash Pd. Singh

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 25-07-2016 Heard Mr. Chaubey, counsel for the petitioner and

GA-3 for the State.

For two reasons, the Court is inclined to decline the relief. The order by which the allotment of the ‘gumati’/kiosk in favour of the petitioner within the precincts of Collectorate was made is not enclosed with the writ petition. The petitioner has prayed for quashing of the order dated 10.08.2010 which was passed in Appeal Case No. 89 of 2004 (Annexure-4) by the respondent Commissioner, Patna Division. On going through the

Annexure-4, it appears the said order was challenged by him in CWJC No. 20885 of 2010. A Bench of this Court vide a proceeding dated 10.07.2012 remanded the case to the District Magistrate, Patna for deciding the matter afresh after giving notice to the petitioner and the contesting respondent.

Again the present writ application prays for quashing of the order dated 10.08.2010 passed by the Divisional Commissioner, Patna in Appeal Case No. 89 of 2004. It is stated that the District Magistrate has not passed any order till the filing of the writ petition. If that be the case, then it may be a case of wilful/deliberate violation of the order dated 10.07.2012 for which the petitioner has a remedy.

Seen thus, the writ application is dismissed.

(Kishore Kumar Mandal, J)

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