

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.928 of 2017

Dinbandhu Kumar @ Dinbandhu Kumar Sharma, S/o Late Shashi Nath Sharma, R/o Village- Taret, P.S.- Naubatpur, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the District Magistrate, Patna.
2. The Sub-Divisional Officer, Danapur, Patna.
3. The Block Development Officer, Naubatpur, Police Station- Naubatpur, District- Patna.
4. The Circle Officer, Naubatpur, District- Patna.
5. The Officer-in-Charge, Naubatpur, Patna.
6. M/S K. Ram Chandra Rao, Transmission Project Pvt. Ltd., Hyderabad, Local Office- Gaurichak, Bihta within the District of Patna, Local Office- Khajpura, Ashiana, Patna, 4th Floor, Flat No.- 405- Apartment, Madanpur Sri Manish Kumar (IAS) Man Bihar State, Power Transmission Limited.
7. Land Acquisition Officer, Patna.
8. The South Bihar Power Distribution Company through its Secretary, Bidyut Bhawan, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Pramod Kumar, Adv.
For the Respondent/s	:	Mr. MD. KHURSHID ALAM- AAG12

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 29-11-2017



Having heard learned counsel for the parties, we are of the considered view that after C.W.J.C. No.13466 of 2015 was disposed of by the learned Single Judge on 28.6.2016, granting liberty to the petitioner to file a comprehensive representation before the District Magistrate, Patna within a period of one month, there are compelling circumstances which prevented the petitioner from filing the representation within time and merely because the representation was not filed within three months, M.J.C. No.2877 of 2016 and the subsequent review application were dismissed should not come in the way of the District Magistrate in deciding the representation now, if it is filed.

Taking note of the totality of the facts and circumstances, we are of the considered view that interest of justice would be met if one more opportunity to file a representation before the District Magistrate, Patna and the District Magistrate is directed to consider the same in accordance with law.

Accordingly, we direct that in case a representation is now filed before the District Magistrate, Patna as directed to the petitioner vide order dated 28.6.2016 in C.W.J.C. No.13466 of 2015, within a period of 30 days, the District Magistrate shall decide the representation on merits in accordance with law after hearing all concerned in accordance with law.



With the aforesaid observation and liberty, this appeal
is disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	11.12.2017
Transmission Date	

