

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1873 of 2016

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1. The State Of Bihar
2. The Chief Engineer, REO, Rural Development Department, Patna
3. The Superintending Engineer, REO, Works Circle, Bhagalpur
4. The Executive Engineer, REO, Works Division, Munger
..... Petitioner/s

Versus

Sadanand Singh, son of Late Medni Sigh, resident of village Dharahara,
P.S. Dharahara, Munger
..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hari Shankar Roy

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

5 22-02-2017 Heard Mr. Roy appearing for the petitioners as well as

Mr. Shankar Dayal Singh who has appeared on behalf of the

private respondent of the writ petition.

The present application is for restoration of CWJC No.
15129 of 2005 after recall of the order dated 01.10.2015 whereby
the writ petition was dismissed for want of prosecution.

Learned counsel for the petitioners submits that there
was no fault on the part of the writ petitioners as the counsel
engaged by them had only shown his inability to argue the case
which was noticed by this Court under order dated 21.08.2015.
The State Government was made party respondent. He has
explained the circumstance with reference to the statements made
in the application which resulted in passing of the said order. It is



stated that, in the interest of justice, the present application be allowed and the writ petition be permitted to be heard on merit, particularly when the writ petition was admitted to hearing and a stay was granted.

Mr. Shankar Dayal Singh, however, opposed the prayer.

Considering the facts stated in the restoration application and submissions made in support thereof, in my view, the ends of justice shall be subserved if the writ petition is restored to its original file and number by recall of the order dated 01.10.2015 subject to deposit of a cost of Rs. 500/- with the Patna High Court, legal Services Committee and filing receipt thereof within 02 weeks. I order accordingly.

(Kishore Kumar Mandal, J)

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