

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1427 of 2016

In
Civil Writ Jurisdiction Case No.13618 of 2012

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Krishna Kumar Sinha, Son of Late Rajeshwar Prasad, resident of Village-
Modkan, Police Station-Hussainganj, District-Siwan.

... .. Appellant

Versus

1. The State of Bihar through Collector, Siwan.
2. The Collector, Siwan.
3. The Sub Divisional Officer, Sadar, Siwan.
4. The Circle Officer, Hussainganj, Siwan.

... .. Respondents

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Appearance :

For the Appellant :	Mr. Rakesh Kumar Shrivastava, Advocate
For the Respondent State:	Mr. Ravish Chandra, AC to SC-6
For the Respondent/Intervener:	Mr. Aditya Narain Singh-I, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 28-11-2017

There is delay of 288 days in preferring the appeal. The reason given is that the appellant did not have adequate information about the order dated 18.08.2015 and that the appellant is a patient of coronary heart disease and he has been under treatment of his Doctors.

Looking at the date of the order and the time when the appeal has been preferred, there is no evidence to show that he was so bedridden or was confined to hospital where he was prevented from pursuing the appeal in question. The reason provided for delay, therefore, do not seem to be satisfactory and that is good enough ground for dismissal of the condonation application. I.A.



No. 7287 of 2016 is accordingly dismissed. As a consequence thereof even the appeal is fit to be dismissed.

Before parting, however, the Court would like to record that the matter was examined even from merit point of view. The submission of the counsel that in lieu of the private land, which he conceded in favour of the State to expand the road, he was permitted to occupy the Gair Majarua Aam land by the State authorities on oral agreement, is not substantiated by any surrounding or substantial evidence. It was in this background that the learned single Judge refused to buy the story and dismissed the writ application.

We are also not convinced with the story which is being sought to be passed off as a justification for encroachment of public land.

Appeal has no merit. It is dismissed otherwise also.

I.A. No. 1947 of 2017 for intervention is rejected.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Pawan/-

AFR/NAFR	N.A.F.R.
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