

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12001 of 2014

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1. Shambhu Prasad Gupta son of Late Misri Prasad Gupta
 2. Upendra Prasad Gupta son of Late Misri Prasad Gupta
 3. Rajendra Prasad Gupta son of Late Lakhon Prasad Gupta

All are resident of Ward No.10, Nagar Parishad, P.S. + District - Supaul

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Urban Development Department, Government of Bihar, Patna
3. The Commissioner, Koshi Division, Saharsa
4. The District Officer - cum - District Magistrate - Cum - District Collector, Supaul
5. The Nagar Parishad, Supaul through its Chief Executive Officer
6. The Chairman, Nagar Parishad, Supaul
7. The Chief Executive officer, Nagar Parishad, Supaul
8. Indian Railway through the Secretary, Department of Railways, Government of India, Rail Bhawan, New Delhi
9. The General Manager, EC Railway, Hajipur
10. The District Engineer/KTR (W) at MNR North Eastern Railways

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 12-01-2017

Heard learned counsel petitioner, State and the Railways.

The writ petition has been filed for setting aside the order dated 06.12.2013 passed in Miscellaneous Appeal No. 482 of 2013 by the Commissioner, Koshi Division, Saharsa by which the representation filed by the petitioners has been dismissed.

Learned counsel for the petitioners submitted that the said representation was filed in terms of the order dated 18.08.2011 passed



in C.W.J.C. No. 10660 of 2011 but the same has been dismissed only on the ground that the representation was filed after delay of more than two years. Learned counsel submitted that in the order of the Court dated 18.08.2011 no time limit was fixed whereas there was specific direction that the representation would be disposed off within a period of two months. It was submitted that in fact the order impugned is contemptuous.

Having considered the matter, the Court would only like to observe that once the matter was before the Commissioner he ought to have disposed it off on merit, moreso, in view of the direction of the Court dated 18.08.2012 in C.W.J.C. No. 1060 of 2011 and rejection only on the ground that the petitioner had filed the representation after delay does not appear to be reasonable.

Accordingly, the order impugned dated 06.12.2013 stands set aside. The matter is remitted to the Commissioner, Koshi Division for disposing off the petition filed by the petitioner on 04.10.2013, in accordance with law after giving opportunity of hearing to all concerned. The matter shall be disposed off within two months, as was direction earlier by the Court in order dated 18.08.2011, from the date of production of a copy of this order before him. The petitioner shall appear before the Commissioner, Koshi Division, Saharsa within four weeks from today along with a copy of this order.



The writ application stands disposed off in the aforesaid terms.

(Ahsanuddin Amanullah, J)

Prakash/-

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