

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4327 of 2016

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Lalji Bhuian Son of Lattu Bhuiyan Resident of village - Mirganj, P.S. Gurua,
District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Magadh Division, Gaya
3. The District Magistrate, Gaya
4. The Sub Divisional Officer, Shergahat, District - Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena, Adv.

For the Respondent/s : Mr. Anil Kumar, AC to SC-10

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 29-08-2017

Heard learned counsel for the petitioner and counsel for
the State.

In this case, the petitioner is challenging the order dated
3.3.2015 passed in Supply Appeal No. 15/2013, whereby and
whereunder, he has rejected the appeal and passed order ex-parte as
the appellate authority had adjourned the case for twelve occasions
but, even then, he has not joined the proceeding, having no way out,
the Collector has passed the order looking to the records of the case.

In that view of the matter, instead of approaching this
Court, the petitioner should have approached to the Revisional Court
and, without exhausting the alternative remedy, he has directly filed
this writ application.



Accordingly, this application is dismissed with a liberty to the petitioner to file an application before the Revisional Authority who will decide the case on its merit. While considering the issue of limitation, the Revisional Authority will take into consideration the pendency of this writ application before this Court.

If the petitioner files an application before the Revisional Authority within a period of four weeks from today, he will dispose of the same within a period of three months from the date of filing of the revision application.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.09.2017
Transmission Date	NA

