

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1584 of 2016
IN
Civil Writ Jurisdiction Case No. 9479 of 2015**

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Ran Vijay Singh, son of Nageshwar Singh, resident of Village- Main Road
Sitamarhi, P.S. Siramarhi, District Siramarhi.

.... Appellant/s

Versus

1. The State of Bihar.
2. The Collector, Sitamarhi.
3. The Deputy Collector, Incharge, Khas Mahal, Sitamarhi.
4. The Principal, Radha Krishna Goyanka College, Sitamarhi.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Surendra Kishore Thakur, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 16-05-2017

Re.: Interlocutory Application No.6347 of 2016

The delay in filing of this Appeal is condoned.

Re. : Letters Patent Appeal No.1584 of 2016

Seeking exception to an order dated 18.08.2015 passed by
the learned Writ Court in Civil Writ Jurisdiction Case No.9479 of
2015, this appeal has been filed under Clause 10 of the Letters Patent.

A show cause notice was issued to the petitioner as far



back as on 23.09.2005 directing the petitioner to deposit land rent for the year 2005-06. Seeking quashment of the show cause notice, the writ petition was filed after a period of 10 years in the year 2015 and finding that there is delay in approaching the Writ Court, the writ petition was dismissed.

However, learned counsel for the petitioner invites our attention to an order passed in Civil Writ Jurisdiction Case No.13200 of 2005 (**Wasim Ahmad vs. The State of Bihar & Ors.**) on 15.11.2011 vide Annexure-7 to the writ petition, wherein identical show cause notice said to have been issued was quashed by this Court on various instructions.

Be that as it may be, the fact remains that according to the petitioner's own showing no final order has been passed on the show cause notice issued on 23.09.2005 and if that be so and no land rent is being recovered from the petitioner as a consequence of the notice issued and no decision taken on the show cause notice, primarily, no cause of action has accrued to the petitioner to ventilate the grievance. However, in case, the show cause notice is still pending and the petitioner wants a decision on the show cause, the petitioner may file a certified copy of this order along with copies of relevant documents, including the order passed on 15.11.2011 in the case of **Wasim Ahmad** (supra) and the competent authority, who had issued a show



cause notice, shall be at liberty either to decide the show cause notice in accordance with law or to pass such orders, as may be permissible in law and communicate the decision to the petitioner.

With the aforesaid liberty to the petitioner, we dispose of the matter.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Sunil/-

AFR/NAFR	NAFR
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