

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1223 of 2017
IN
Civil Writ Jurisdiction Case No. 9346 of 2016

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1. Nand Lal Ram, Son of Guni Ram,
2. Mandip Ram, Son of Late Parmeshwar Ram,
3. Ramadhar Paswan, Son of Musafir Paswan,
4. Chalitra Ram, Son of Late Parmeshwar Ram,
5. Pramod Ram, Son of Lakhan Ram,
6. Musafir Paswan, Son of Late Toofani Paswan,
7. Dwarika Ram, Son of Late Banasari Ram, All are resident of Village- Surar, P.S.
N.T.P.C. Khaira, District- Aurangabad.

.... Appellant/s

Versus

1. The State of Bihar
2. The Collector, Aurangabad.
3. The District Land Acquisition Officer, Aurangabad.
4. The Deputy Collector, Land Reforms, Aurangabad.
5. The Circle Officer, Nabinagar, Aurangabad.
6. Bhartiya Rail Bijali Company Ltd., through its Chairman-cum-Managing
Director,7 Institutional Area, Scope Bhawan, New Delhi.
7. The Chief Executive Officer, B.R.B.C. Ltd., Nabinagar, District- Aurangabad.
8. Ganesh Ram, Son of Late Keshwar Ram
9. Sikandar Ram, Son of Late Pravesh Ram,
10. Nagesh Ram, Son of Late Dhodha Ram
11. Kamdeo Ram, Son of Late Bada Ram
12. Ramji Ram, Son of Late Guli Ram All are resident of Village- Surar, P.S.
N.T.P.C. Khaira, District- Aurangabad.

.... Respondent/s

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Appearance :
For the Appellant/s : Mr. Sanjay Kumar
For the Respondent/s : Mr. Md. Khurshid Alam, AAG12

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CORAM: HONOURABLE THE CHIEF JUSTICE
and



HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 15-09-2017

Substitution petition allowed.

Substitution be carried out.

Seeking exception to an order passed on 23.08.2017 by the learned Writ Court in CWJC No. 9346 of 2016 this appeal has been filed under Clause 10 of the Letters Patent. The order in question reads as under :-

“The respondent nos. 1 to 7 may file counter affidavit within three months.

Issue notice to respondent nos. 8 to 12 by both processes that is under ordinary process as well as speed post for which requisites etc. must be filed within two weeks from today, failing which the application shall stand dismissed without further reference to the Bench against concerned respondents.

List this matter after service of notice or appearance of the concerned respondents whichever is earlier.”

From a perusal of the aforesaid order it is seen that the Court has only issued notice to the respondents. The said application is still pending and merely because the interim stay has not been granted at this stage when the matter is pending before the learned Writ Court, we see no reason to make any indulgence into this appeal.



The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mrl

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CAV DATE	N.A.
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