

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19293 of 2015

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Md. Sanjar Alam son of Late Md. Taslim, resident of Village Hariharpur, Police Station Kalyanpur, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
3. The District Magistrate, Samastipur.
4. The District Supply Officer, Samastipur
5. The Sub Divisional Officer, Samastipur
6. The Block Supply Officer, Kalyanpur Block. Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv.
For the Respondent/s : Mr. Ashok Kr. Gupta, AC to GP-10

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 28-07-2017

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

In this case, the petitioner is challenging the order dated 21.08.2012 passed in Case No. 33 of 2012 mentioning therein that the petitioner has remained absent consecutively having no interest to pursue in the matter and dismissed the appeal.

Learned counsel for the petitioner submits that the petitioner has filed the appeal on 14.7.2012, the Collector, Samastipur, instead of recording the order in the order-sheet, has recorded the order on the petition itself, directed for placing the case on 24.7.2012, whereafter, on 21.8.2012



he has recorded a finding that there is no interest to pursue the matter and dismissed the petition.

Looking to the entire facts, the order of dismissal for default dated 21.08.2012 passed by the Collector, Samastipur, is set aside and the matter is remanded back to the Collector, Samastipur to pass a fresh order in accordance with law after giving an opportunity of hearing to the petitioner.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.08.2017
Transmission Date	NA

