

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.557 of 2016

In

Civil Writ Jurisdiction Case No. 10616 of 2006

- =====
1. The State of Bihar through the Secretary, Revenue and Land Reforms Department, Patna.
 2. The Collector, Patna having his office in Collector Compound, Patna.
 3. The Additional Collector, Revenue, Patna Sadar, Patna.
 4. The Additional Secretary, Department of Revenue and Land Reforms, Patna.
 5. The Circle Officer, Sadar Patna.

.... Appellant/s

Versus

Narendra Kishore Prasad, aged about 75 years, son of Late Nawal Kishore Prasad-II, C/o Sri K.K. Kanth, 105, Patliputra Colony, P.S.- Patliputra, District- Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Niraj Kumar Sinha, AC to AAG-2

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

8 29-08-2017 I.A. No. 2503 of 2016 has been filed for
condoning the delay of 3 years and 62 days in filing the appeal.

In view of the inordinate unexplained delay of 3
years and 62 days, we find that no reason to condone the delay.

Accordingly, we dismiss the limitation petition.

That apart the matter of violation of lease, which
was granted to the petitioner and when action was taken by the
Revenue Authorities for termination of the lease on its breach, the
learned Writ Court after due examination found that the authority



competent to take action initially was the Patna City Improvement Trust (lessor) and the right of the Trust subsequently got vested into Patna Municipal Corporation after its abolition by holding that it is the only Patna Municipal Corporation which can take action in the matter and not the Revenue Officer.

We see no error in the order passed by the learned Writ Court interfering in the matter finding that the Revenue Department is not the authority authorized under the law to take decision.

The appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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