

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.306 of 2018

IN

Civil Writ Jurisdiction Case No. 8756 of 2018

- =====
1. Xaviers Patna Association through its President Jose Vadassery SJ son of late Joseph Vadassery resident of St. Xaviers, West Gandhi Maidan Road, P.S. Gandhi Maidan, District Patna.
 2. Xavier Teachers Training Institute, Digha Ghat, Patna through its Rector Fr. Joseph Thadavanal S.J. s/o late Mathai Thadavanal resident of Xavier Teacher Training Institute, Digha Ghat, P.S. Digha, District Patna.
 3. Fr. Joseph Thadavanal S.J. son of late Mathai Thadavanal Rector Xavier Teacher Training Institute, Digha Ghat, Patna, P.S. Digha, District Patna.

.... Appellants

Versus

1. The State of Bihar through the Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. Collector, Patna District, Patna.
3. Bihar State Housing Board through the Chairman, Bihar State Housing Board, Patna.
4. Competent Authority, Bihar State Housing Board Patna.
5. Competent Appellate Authority, Bihar State Housing Board, Patna.

.... Respondents

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Appearance :

For the Appellant/s : Mr. K.M.Joseph

For the Respondent/s : Mr. Md.Khurshid Alam -AAG12

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 16-07-2018

Keeping in view the nature of the order passed in the writ petition i.e. setting aside the ex parte order passed dismissing the appeal of the petitioner thereafter, restoring the appeal to its original number and directing the appellate authority to decide the appeal within three months, we find no error in the order passed by the writ court which only directs to restore the appeal which was filed by the petitioner and direct the appellate



authority to decide the matter on merit. The petitioner should appear before the appellate authority, get his appeal decided and thereafter, if any grievance still subsists, he may recourse to remedy available in accordance with law and at this stage when the matter is only a matter of remand the appellate authority, we see no reason to take any indulgence.

We now direct the appellate authority to decide the appeal within a period of three months from the date of receipt of certified copy of this order.

This appeal stands disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Rajeev/-

AFR/NAFR	
CAV DATE	
Uploading Date	19.07.2018
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