

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18369 of 2016

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Dhaneshwar Rai Son of Late Raj Deo Rai, resident of Village- Hirda Patti,
P.S.- Runnisaidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Sitamarhi.
2. The District Magistrate-cum-Collector, District- Sitamarhi, at Sitamarhi.
3. The Sub-Divisional Officer, Sitamarhi Sub-Division, (Sadar) at Sitamarhi.
4. The Block Supply Officer, Runnisaidpur Block, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shakti Suman Kumar
For the Respondent/s	:	Mr. S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-12-2018 The present writ petition has been filed for quashing the appellate order dated 04.03.2016 passed in Supply Appeal No. 6 of 2016, whereby and whereunder the District Magistrate-cum-Collector, Sitamarhi has been pleased to dismiss the said appeal.

The petitioner had approached this Court earlier by filing a writ petition bearing CWJC No. 7280 of 2012, whereby the order passed by the Sub-Divisional Officer, Sitamarhi dated 19.01.2012 was sought to be challenged, however, this Court by an order dated 01.02.2013 disposed of the said writ petition with liberty to the petitioner to file an appeal, operative portion whereof is being reproduced herein below:-

“In case such appeal is filed within a period of three weeks along with an application for



condoning the delay in filing the appeal on account of pendency of the matter in this Court, the appeal as also the application for condoning the delay be considered in accordance with law expeditiously preferably within a period of six months on filing of such appeal alongwith the application for condoning the delay.”

The petitioner had then approached the appellate authority by filing an appeal after almost three years and on this ground the appeal of the petitioner has been dismissed by the impugned order dated 04.03.2016.

The learned counsel for the petitioner submits that the petitioner was suffering from Hepatitis-B, hence the petitioner could not approach the appellate authority within the time frame as fixed by this Court.

Having regard to the facts and circumstances of the case as also keeping in mind the interest of justice, this Court deems it fit and appropriate to grant one more chance to the petitioner, hence the impugned appellate order dated 04.03.2016 passed by the District Magistrate-cum-Collector, Sitamarhi is quashed and the petitioner is granted six weeks time to file appeal alongwith an application for condoning the delay in filing the appeal and the Collector, Sitamarhi shall decide the appeal of the petitioner as also the application for condoning the delay, in accordance with law within a period of six months



thereafter.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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