

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1507 of 2017

In

Civil Writ Jurisdiction Case No. 948 of 2016

- =====
1. The State of Bihar through the Principal Secretary, Department of Road Construction, Government of Bihar, Patna.
 2. The District Magistrate cum Collector, Patna.
 3. The Sub Divisional Officer, Patna Sadar, Patna.
 4. The Deputy Collector Land Reforms, Patna Sadar, Patna.
 5. The Circle Officer, Patna.

.... Appellants

Versus

1. Chandrabanshi Singh, son of Late Shital Singh Proprietor M/s Shiva Bricks, resident of Mauja Digha, P.S. Digha, P.O. Digha Ghat, Town and District Patna.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Anil Kumar Singh, AC to SC 21

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

**HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

3 08-08-2018

Re: I.A. No. 7749 of 2017

Heard Mr. Anil Kumar Singh, learned AC to SC 21 for the appellants.

This interlocutory application has been filed under section 5 of the Limitation Act for condonation of delay of 313 days.

Except for taking refuge under the procedural delay which usually takes place in case of State appeal, nothing tangible has been placed on record for consideration of such prayer. Even



otherwise what we notice from the judgment and order of the learned Single Judge impugned in this appeal is that it is bearing note of the procedural default by the respondent - State in drawing proceeding against the writ-petitioner as noted by the learned Single Judge which has persuaded him to quash the proceedings but even while doing so he has given liberty to the State to proceed afresh but in accordance with law. In the nature of liberty so given, we find no reason to interfere with the decision of the learned Single Judge even on merits.

For the discussions above, the limitation petition is dismissed. Consequently, Letters Patent Appeal is dismissed in limine.

(Jyoti Saran, J)

(Chakradhari Sharan Singh, J)

Archana/Surendra

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