

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1569 of 2017

In

Civil Writ Jurisdiction Case No. 17425 of 2011

- =====
1. The State Of Bihar, through the Secretary-cum-Commissioner, Road Construction Department, Government of Bihar, Patna.
 2. The Engineer-in-Chief, Road Construction Department, Government of Bihar, Patna.
 3. The Executive Engineer, Road Construction Department, Patna City Road Division, Gulzarbagh, Patna.

.... Appellants

Versus

1. Anjani Kumar Sinha, son of Late Awadh Prasad, Resident of Road No. 6A, Rajendra Nagar, P.O. Rajendra Nagar, P.S. Kadamkuan, Dist.- Patna, Bihar.
2. The Director, Land Acquisition Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Collector, Patna.
4. The District Land Acquisition Officer, Patna.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Asif Kalim, AC to AAG-12

For the Respondent/s : Ms. Sheela Sharma, Adv.

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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

I.A.No. 8067/2017

This interlocutory application has been filed under section 5 of the Limitation Act for condonation of delay of 5 years 10 months and 3 days in filing the appeal against a judgment and order of the learned Single Judge which simply directs the statutory authority under the Land Acquisition Act to conclude the acquisition proceeding initiated by them.

We have heard Mr. Asif Kalim, learned AC to AAG-12



and Ms. Sheela Sharma, learned counsel appearing for the respondent- writ petitioner.

Apart from the fact that we record our dissatisfaction to the explanation of excessive delay of more than 5 years and 10 months by the State in filing this appeal, even otherwise in the nature of the direction issued by the learned Single Judge which simply reminds the statutory authority under the Land Acquisition Act to conclude the acquisition proceeding initiated by them, it neither constitutes a judgment nor can be a reason for raising grievance by the statutory authority.

The limitation petition is accordingly dismissed. Consequently, the Letters Patent Appeal is dismissed in limine.

(Jyoti Saran, J)

(Chakradhari Sharan Singh, J)

Surendra/-

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