

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12726 of 2018

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Santosh Kumar, Son of Shri Shankar Singh, Resident of Village-
Jaimra, P.S.-Tilrath, District-Begusarai.

... .. Petitioner/s

Versus

The Union of India & Ors

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For B.P.C.L. : Mr. Siddhartha Prasad, Advocate

: Mr. Om Prakash Kumar, Advocate

For the UOI : Mr. Alok Agrawal, Advocate

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 09-08-2018

Heard learned counsel for the petitioner and the State.

It is contended that the petitioner has already filed statutory appeal against the assessment order and recovery order as contained in Annexure-1.

We are unable to understand that if the appeal has already been filed why he has resorted to filing of this writ petition invoking the extraordinary jurisdiction of this Court. In the result, the same has to be dismissed.

However, since it is stated that already recovery order is there and the petitioner is intending to file stay petition before the



appellate authority, this Court would grant stay of the recovery of dues for two weeks.

In the meantime, the petitioner would be at liberty to file stay petition.

It is further made clear that while considering the stay petition the appellate authority would not be prejudiced by the present order by which stay has been granted in favour of the petitioner for two weeks in the peculiar circumstances of the case as the matter has to be taken on merit and order in accordance with law is to be passed by the concerned authority.

(Dr. Ravi Ranjan, ACJ)

(S. Kumar, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
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