

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.511 of 2018

In
Letters Patent Appeal No.551 of 2018

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Priya Ranjana Panjiyar Gupta, W/o Late Nageshwar Pd. Gupta, Permanent resident of Village Matiyara Tok, P.S. Sarai, Dist.-Vaishali, Presently residing at C/o Shri Chandra Mohan Prasad (Retd. IAS), State Bank of India Campus, Kurji More, Patna-800010

... .. Petitioner/s

Versus

1. Sanjay Kumar, S/o Satya Narayan Sah, Resident of Mohalla -Quarter No.22, Road No.8, Shrikrishna Nagar, P.S. Shrikrishna Nagar, Dist.-Patna-800001
2. The State of Bihar
3. The Collector, Vaishali at Hajipur
4. The Certificate Officer, Hazipur, Dist.-Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Adv.
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 31-07-2019

I.A. No.8538 of 2018

Having heard learned Counsel for the parties, we are satisfied that the delay has been sufficiently explained. The delay condonation application is allowed. The review application shall be treated to be within time.

C. Review No.511 of 2018

Heard learned counsel for the applicant.



The contention raised is that the Division Bench while passing the order on 17th May, 2018 had modified the order dated 13th March, 2018 without putting the applicant to notice. The applicant was the respondent No.4 in the writ petition as well as in the Letters Patent Appeal. The writ petition had been dismissed outright, but in the Letters Patent Appeal the order was modified to the extent that the further proceedings against the petitioner Sanjay Kumar shall be kept in abeyance and shall be proceeded with only after six months if the petitioner commits default in payment of the amount as per the certificate issued.

Learned counsel for the applicant submits that the said period has passed away, but the petitioner Sanjay Kumar has deposited the amount after the expiry of six months.

This being the admitted position of the applicant, we find that the order dated 17th of May, 2018 has outlived its purpose and may not require a review on the ground so raised.

However, the fact remains that the applicant contends that she has not been able to receive the usufructs of the litigation, inasmuch as the money under the certificate proceedings is still lying with the Collector and the part of the payment which was made subject-matter of criminal



proceedings has also not yet been released.

We, therefore, dispose of this review application with liberty to the applicant to approach the Collector for the redressal of her grievances and receipt of payments to which she is entitled in accordance with law in the background of the litigation above and in the event the applicant files a certified copy of this order before the Collector, Vaishali at Hajipur within a period of 15 days from today, the Collector shall proceed to examine the matter and pass an appropriate order in accordance with law after making efforts for releasing the payments to which the applicant may be entitled in accordance with law. The Collector shall dispose of the matter expeditiously, preferably within a period of three months.

(Amreshwar Pratap Sahi, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/-

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