

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.382 of 2018

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Prem Kumar Ram son of Late Mohar Ram, resident of Village – Dharampur
Japhar, P.S. – Amnour, District – Saran, Chapra. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Collector, Saran, Chapra.
3. The Sub-Divisional Officer, Marhowrah, District – Saran, Chapra.
4. The Block Supply Officer, Amnour Block, Saran, Chapra.

... .. Respondentss

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Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Kumar, Advocate
For the Opposite Party/s : Mr.S. Raza Ahmad AAG 5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 30-01-2019 Heard learned counsel for the applicant and perused
the records of the writ petition as well.

In paragraph 9 of the writ petition following statement
has been made by the applicant:-

“9. That petitioner filed appeal
bearing its number 11 of 2010 before
the Collector, Saran which is still
pending.”

Thus, we are not prepared to accept the explanation
about ex-parte disposal of the appeal in 2011, inasmuch as, it
was the applicant who was the appellant therein. It was his duty
to have inspected the file first before having proceeded to make
this statement before this Court in the writ petition filed in 2017



by him.

In our considered opinion, it was a false statement made before this Court that the appeal filed by him was still pending.

Learned counsel for the applicant submits that the counter affidavit filed by the respondent for the first time disclosed the dismissal of the appeal which was ex-parte. The question of the knowledge of the appeal being disposed of ex-parte does not arise, inasmuch as, the appellant himself was the person who had filed the appeal through a counsel. If his counsel has not taken any care the statement made in paragraph 9 cannot be made a cover for such an excuse.

If the appeal was decided ex-parte, it was open to the applicant to have approached the appropriate forum for the redressal of his grievances.

None of the submissions raised, therefore, on this score are acceptable to us. The review application is rejected as there is no error apparent on the face of the record.

(Amreshwar Pratap Sahi, CJ)

(Rajeev Ranjan Prasad, J)

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