

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1243 of 2018

In
Civil Writ Jurisdiction Case No.1880 of 2014

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Saurabh Kumar, Son of Ganesh Prasad Mauar, Grandson of Late Jagdish Prasad Mauar, Resident of Mohalla- Mauar Lane, Sultanganj, Patna, P.S.- Sultanganj, District- Patna.

... .. Appellant/s

Versus

1. The State Of Bihar through the District Magistrate, Patna
2. The Executive Engineer, Anchal-I, Patna Bihar State Housing Board, Patna.
3. The Bihar State Housing Board, Patna through its Secretary.
4. The Land Acquisition Department, Sadar, Patna through its Secretary.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ranjeet Kumar, Advocate
For the Respondent/s : Mr.Lalit Kishore, AG

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

10 02-12-2019 Heard learned counsel for the parties.

The appellant prays for the following relief:-

“It is therefore prayed that your Lordships may graciously be pleased to issue notice to the private respondent call for the records of the case and after hearing the party/parties be pleased to allow the LPA and set aside the order dated 20.07.2016 passed in CWJC No. 1880 of 2014.”

Having heard learned counsel for the parties, we are of the considered view that the appellant has not been able to



explain the inordinate delay of more than two years in preferring the appeal. We also noticed that the learned Single Judge has not passed any order on merit and considering the disputed question of fact, based on earlier decision taken by a Co-ordinate Bench of this Court with respect to similarly situated petitioners, dismissed the writ petition leaving it open to the petitioner to take recourse to such other remedies as are otherwise available in accordance with law.

Mr. Lalit Kishore, learned Advocate General, vehemently argues that the appellant is trying to rake up the issue after a period of more than 40 years.

Basis of the information obtained through the process of RTI cannot be considered for adjudication of the appellant's right which stood settled way back with the land being acquired in accordance with law.

As such, we do not find any merit in this appeal. It is, accordingly, dismissed.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

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