

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1845 of 2016
IN
Civil Writ Jurisdiction Case No. 7956 of 2011**

- =====
1. The State of Bihar.
 2. The District Magistrate, Nalanda.
 3. The Sub Divisional Officer, Rajgir, Nalanda.
 4. The Block Supply Officer, Rajgir, Nalanda.

.... Appellant/s

Versus

1. Raj Shekhar Kumar, S/O- Late Sidheshwar Paswan, resident of Salempur, Police Station- Sarai, District- Nalanda.
2. Shekhar Agarwal, S/O- Late Sidheshwar Paswan, resident of Salempur, Police Station- Sarai, District- Nalanda.
3. The M/s. Lucky Oil Distributar, Rajgir, District- Nalanda.
4. The Indial Oil Corporation Limited through Senior Divisional Manager, Block-A, Maurya Lok Complex, 3rd Floor, Dak Bunglow Road, Patna- 1.
5. Senior Divisional Manager(Sdsrm), Indial Oil Corporation Marketing Division, Block-A, Maurya Lok Complex, 3rd Floor, Dak Bunglow Road, Patna- 1.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Manish Dhari Singh, AC to PAAG-1
For Pvt. Resp. No.1 : Mr. Prakash Chandra Jha, Advocate
For the IOCL : Mr. Anil Kumar Jha, Sr. Advocate
Mr. Sanat Kr. Mishra, Advocate.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 27-07-2017

Seeking exception to an order dated 21.6.2013 in CWJC

No. 7956 of 2011, this appeal has been filed.

There is delay of more than three years and fifty seven days in filing of this appeal.

We find that after orders were passed on 21.6.2013 nothing was done and the matter was kept pending. Thereafter in the



application for condonation of delay, it is indicated that after orders were passed the Collector has sought instructions in the matter and in the meanwhile various other writ applications were also filed which were decided and so the State Government decided to file the LPA.

On a perusal of I.A. No. 7619 of 2016 filed for condonation of delay, we find that the order was passed in the writ petition on 21.6.2013 and on 24.8.2013 the matter was communicated to the higher authorities and after 24.8.2013 except for making communication in May, 2014 nothing was done and it was after certain orders were passed in CWJC No. 21258 of 2013 again communication was made but in the meanwhile when the contempt proceedings were initiated, it is stated that the decision was taken for filing of the LPA.

However, we find that the issue in question canvassed in this appeal have been considered and decided in more than 4 or 5 cases and today while considering LPA No. 1831/2016, we observed that identical orders passed, common in nature, selectively in some cases LPAs were filed whereas in other cases LPAs were not filed.

Apart from the fact that there is an inordinate delay in filing this appeal, we find that for the reasons already considered by us while passing the order today in LPA No. 1831/2016 in the matter of discrimination and the selective way of filing appeals against



orders passed by the Writ Court the same applies squarely in this case also. On the same ground we find no reason to interfere into the matter.

We dismiss this appeal for the reasons already considered and rejected by us in LPA No. 1831/2016.

(Rajendra Menon, CJ)

S.Pandey/-

(Anil Kumar Upadhyay, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.08.2017
Transmission Date	

