

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.101 of 2020

In
Civil Writ Jurisdiction Case No.14640 of 2018

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Narendra Kumar Son of Sri Kapil Singh, Resident of Village- Sikariya,
Village Panchayat- Noni, Police Station- Tikari, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar at Patna.
2. The District Magistrate, Gaya.
3. The Additional Collector Land Reform, Tikari, Dist.-Gaya.
4. The Sub Divisional Officer, Tikari, Dist.-Gaya.
5. The Block Supply Officer, Tikari, Dist.-Gaya.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Binay Kumar, Advocate
For the Respondent/s	:	Mr.S. Raza Ahmad (Aag5)
	:	Mr. Kamil Akhtar, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

2 18-11-2021 The appellant has assailed the impugned order passed by the learned Single Judge in the present appeal, the operative part whereof, is reproduced herein below :-

“ Having regard to the fact that the petitioner has not exhausted the statutory remedy by way of appeal, the present writ application is disposed off with liberty to the petitioner to prefer an appeal before the appellate authority within a period of one month from today. In case, such an appeal is filed by the petitioner, the appellate authority may consider and dispose off the same, after



*condoning delay if any at the earliest, in
accordance with law. ”*

On due consideration of the matter, we feel that the petitioner ought to raise his grievance before the appellate authority. Needless to say that in case, any adverse order is passed, the appellant would have a fresh cause of action and would be entitled to avail his remedy.

At this stage, the learned counsel for the appellant submits that he may be allowed to withdraw the appeal with liberty to approach the appellate authority and delay, if any, in filing the appeal may be condoned.

In view of the aforesaid, it is directed that if the appeal is filed by the petitioner within a period of three weeks from today, the issue of limitation shall not stand in the way of the appellate authority and he shall decide the appeal on merits. The appellate authority shall also ensure that the appeal is disposed off within a period of eight weeks thereafter.

The present appeal stands disposed off.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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