

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.432 of 2021

In
Civil Writ Jurisdiction Case No.12708 of 2019

-
-
1. The State of Bihar through the Collector, Patna.
 2. The Additional Collector Sadar, Patna.
 3. The Deputy Director Land Reforms, Patna Sadar, Patna.
 4. The Circle Officer Patna Sadar, Patna.

... .. Appellant/s

Versus

1. Tribhuwan Developers and Construction Pvt. Ltd. A duly incorporated Company, having its Registered Office at Road No. 1, Rajendra Nagar, Police Station- Kadamkuan, in the Town and District-Patna through its Director, duly authorized by its Board of Directors, being Sri Mithilesh Kumar, Son of Sri Ramji Prasad, resident of East Patel Nagar, Road No. 8, House No. 35, Police Station -Shastri Nagar, Town and District-Patna
2. Sri Upendra Kumar Son of Late Jagdish Kumar Resident of Opposite A.N. College, Boring Road, P.S.- Sri. Krishna Puri, District- Patna at Present Residing at 15, Park Street, New Delhi- 110001.
3. M/s. Sundar Nagar Grih Nirman Swablambi Sahkari Samiti Ltd. through its Chief Executive Sri Manoj Kumar Sharma, Son of Late Sri Naresh Chandra Azad, Resident of Azad Bhawan, Sheo Puri, P.S. Shastri Nagar, in the town and District of Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Md. Khurshid Alam, A.A.G. 12 Mr.Majid Mahboob Khan, AC to AAG 12
For the Respondent/s	:	Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJAN GUPTA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 22-10-2021

This appeal is directed against the order dated



26.06.2019 passed in C.W.J.C. No. 12708 of 2019, titled as The State of Bihar & Ors. Vs. Tribhuwan Developers & Construction Pvt. Ltd. & Ors., by a learned Single Bench of this Court.

We do not find any infirmity/illegality in the impugned order which is reproduced hereunder in toto:

“There are four writ applications filed against common judgment and order of the Bihar Land Tribunal, Patna dated 19.01.2015, which are as under:-

1. CWJC No. 12344 of 2019 (State Vs. Ramdeo Singh).

2. CWJC No. 12702 of 2019 (State Vs. Tribhuwan Developments and Construction Pvt. Ltd.)

3. CWJC No. 12708 of 2019 (State Vs. Tribhuwan Developments and construction Pvt. Ltd.)

Let all the matters be listed under the same heading on 17.07.2019.

In the meanwhile, learned counsel for the State of Bihar/petitioner shall remove the defects pointed out by the Stamp Reporter.

There is delay of more than four years in filing these writ applications to



assail the order of the Tribunal passed in the year 2015. This Court will consider hearing the cases on merits subject to payment of composite cost of Rs. 5,00,000/- (five lacs) to be deposited in the account of Bihar State Legal Services Authority, which amount shall be utilized for generating awareness among the residents of Muzaffarpur District to tackle and fight Acute Encephalitis Syndrome (AES), which is a recurrent phenomenon in the area.”

The delay in filing the writ petition is of more than four years. Learned Single Judge has imposed a cost of Rs. 5,00,000/- (five lacs) on the State for not removing the defects pointed out by the stamp reporter. This callous attitude on behalf of the State has caused immense loss to the public interest. Public property has been allowed to be utilized, perhaps, with the collusion of the officers concerned.

Be that as it may, we are not inclined to interfere with the impugned order. In fact, we further direct that the cost of Rs. 5,00,000/- (five lacs) shall be recovered from the personal salary of the officer/s responsible for not taking action.

The Collector, Patna, shall institute an enquiry and fix responsibility in that regard.



Needful be positively done within a period of four months.

The appeal is disposed of, but however, affidavit of compliance shall be filed by the Collector stating compliance of the order.

For such purpose, matter be listed on 23.03.2022.

(Sanjay Karol, CJ)

(Rajan Gupta, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	26.10.2021
Transmission Date	

