

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.447 of 2019

In
Civil Writ Jurisdiction Case No.9089 of 2004

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1. The State of Bihar through the Secretary, Department of Animal Husbandry and Fisheries, Govt. of Bihar, Patna.
 2. The Secretary, Department of Animal Husbandry and Fisheries, Govt. of Bihar, Patna.
 3. The Additional Secretary, Department of Animal Husbandry and Fisheries, Govt. of Bihar, Patna.
 4. The Director, Animal Husbandry, Govt. of Bihar, Patna.
 5. The Deputy Secretary, Department of Animal Husbandry and Fisheries, Govt. of Bihar, Patna.

... .. Appellant/s

Versus

Dr. Ramashray Ram Son of Shri Ram Subhag Ram Resident of Village and P.O. Kaghain, P.S-Bikramganj, Dist-Rohtas.

... .. Respondent/s

Appearance :

For the Appellant/s :

For the Respondent/s :

Mr. Rajeev Kumar Singh, Advocate

Mr. Pranab Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 12-07-2022

No one appears on behalf of the appellants.

2. The present appeal is filed against the order of the learned Single Judge dated 10.05.2018 passed in C.W.J.C. No. 9089 of 2004.

3. The present appeal is presented after a lapse of about 283 days. Perusal of paragraph Nos. 4 to 7 of I.A. No. 01 of 2019 for condonation of delay in filing L.P.A., sufficient cause has not been



shown except stating that the file was tossed from one section to another section and one department to another department. The appellant is State Government, they are well aware of the limitation in respect of the questioning the order of the learned Single Judge in L.P.A. They must have some mechanism in respect of filing of L.P.A or any litigation if there is a time limit. They are not layman so as to seek condonation of enormous delay of 283 days.

4. The Apex Court in the following two decisions i.e. ***State of Madhya Pradesh and Others vs. Bherulal*** reported in (2020) 10 SCC 654 and ***Municipal Corporation of Greater Mumbai and Others vs. Uday N. Murudkar*** reported in (2021) 11 SCC 816 deprecated filing of belated litigation on behalf of the State authorities while imposing cost. In the light of Apex Court decisions and the fact that sufficient cause has not been shown to condone delay of 283 days, I.A. No. 01 of 2019 stands rejected. In the result L.P.A No. 447 of 2019 stands dismissed.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	19.07.2022
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