

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1746 of 2021

In
Civil Writ Jurisdiction Case No.2168 of 2019

=====

Chandrama Singh S/o Late Bahadur Singh, Resident of Gram and P.O.- Pitro,
P.S.- Agiaon Bazar Bhojpur, District - Ara.

... .. Petitioner/s

Versus

1. The State of Bihar through the Divisional Commissioner, Bhojpur, Ara.
2. The Divisional Commissioner, Bhojpur, Ara.
3. The District Magistrate, Bhojpur, Ara.
4. The Sub. Divisional Officer, Piro, Bhojpur, Ara.
5. The District Supply Officer, Bhojpur, Ara.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Alok Kumar, Adv.
For the Opposite Party/s : Mr.Alok Ranjan, AC to AAG-5

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-04-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

This application has been filed seeking extension of
time to prefer statutory appeal. While disposing of CWJC
No.2168 of 2019 on 23.04.2019, this Court passed the following
order:-

*“After some argument, learned
counsel for the petitioner submits that the writ
application may be disposed of with liberty to
the petitioner to avail the statutory remedy of
appeal against the impugned order.*

*Learned counsel for the State has no
objection to the same.*



This writ application is disposed of with liberty to the petitioner to file the statutory appeal within a period of 30 days from today and if such an appeal is filed, the same will be considered on its own merit. In case, if a question of limitation arises, the same will be considered on its own merit because the petitioner was pursuing his remedy before this Court.”

Learned counsel for the petitioner submits that the petitioner aged presently about 77 years old, though in the petition it is stated that he is 74 years old and is suffering from several aged borne ailments. It is his submission that the petitioner could not get information with regard to the order passed by this Court as a result whereof no step could be taken to prefer the statutory appeal within the prescribed period of 30 days. It is submitted that with effect from 24.03.2020 because of outbreak of Covid-19 pandemic, it could not become possible to the petitioner to file an application before this Court seeking extension of time and ultimately this application was filed on or about 07.09.2021.

Mr. Alok Ranjan, learned counsel for the State submits that although this Court has been liberal in the matter of extending the time in a compelling circumstance where the petitioner fails to apply for his remedy despite his due diligence



but this is one of those case in which this Court need not entertain this application, firstly for the reason that the writ application granting liberty to the petitioner was disposed of as back as on 23.04.2019. The Covid-19 broke down with effect from 24.03.2020 i.e. after almost one year. The petitioner is himself 74 years old and he is suffering from several ailments as per his own admission. It is further submitted that during this period of almost three years several developments might have taken place in the matter of award of public distribution system, therefore, by allowing extension of time at this stage, chances of multiplicity of litigation would arise.

Having heard learned counsel for the petitioner and learned counsel for the State, this Court finds that no plausible reason has been assigned in the petition for not preferring the appeal within the period of 30 days from the date of disposal of the writ application. The application seeking extension of time has been filed after about two and half years.

The learned counsel for the State is correct in saying that the petitioner has attained 74 years of age and is suffering from several ailments and at this stage granting him liberty by extending the time would only allow him to indulge in multiplicity of litigation. This Court is, therefore, not in favour



of extending the period.

This application has no merit. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

arvind/-

U			
---	--	--	--

