

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No 2160 of 2021

In
Civil Writ Jurisdiction Case No 1082 of 2012

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Supriya @ Supriya Devi, W/o Ranjit Sahini, Resident of Village - Bakoori
Godiyari East, P.S. - Bakhri, District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Collector, Begusarai.
2. The District Programme Officer, Begusarai.
3. The Child Development Project Officer, Bakhri.
4. Anjali Kumari, Wife of Pankaj Kumar Sah, Resident of Village - Bakri
Godiyara East, P.S. - Bakhri District - Begusarai.
5. The Divisional Commissioner, Munger Division, Munger.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Ram Sumiran Singh, Advocate
For the Opposite Party/s : Mr.Sc 25

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 10-08-2022 Heard learned counsel for the petitioner and the State.

This modification application has been filed for seeking this Court's indulgence for granting more time for filing appeal before the Divisional Commissioner, Munger. Earlier order of this Court dated 18.11.2019, modification of which is sought, reads as follows:

“Petitioner's counsel is permitted to implead the Divisional Commissioner, Munger, as Respondent No 5, during the course of the day.

2 It is submitted by the petitioner's counsel that, in view of the amended guidelines as it stands today, the petitioner has remedy against the order of the Collector dated 11.11.2011 before the Divisional Commissioner, Munger.



3 In view of the aforesaid submissions, this writ petition is disposed off with liberty to the petitioner to approach the Divisional Commissioner, Munger (Respondent No 5).

4 It is made clear that the time consumed during pendency of the instant proceedings, would be considered by the Divisional Commissioner and a decision in respect of the appeal, if filed within four (04) weeks, shall be given on merits of the claim without raising the issue of matter being barred by delay. The order is to be passed, in accordance with law, and after hearing the parties concerned expeditiously, and without undue delay.”

This modification application has been filed more than two years after the said order. The order passed in the writ proceedings is dated 18.11.2019, i e, about four months prior to National lock down and restrictions arising out of the Pandemic. Learned counsel for the petitioner has submitted that there was some communication gap between the petitioner and the counsel. A factually unsustainable plea regarding restrictions based on pandemic has also been taken.

This Court today, in the year 2022, is not persuaded to further enlarge the time having regard to the delay and also taking notice of the fact that the order of the Collector, which the petitioner now seeks to assail after getting the order modified, is dated 11.11.2011.

This Court does not find sufficient cause for allowing



modification. This application is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

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