

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.129 of 2023

In
M.J.C. no. 1414 of 2022

(arising out of Civil Writ Jurisdiction Case No.21214 of 2021)

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Surya Pratap Singh Son of Late Keshavendra Pratap Singh, resident of Tarkeshwar Sadan, New Kulharia House, Exhibition Road, Post - G.P.O., P.S. Gandhi Maidan, District- Patna - 800001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police Patna.
4. The S.H.O. Gandhi Maidan Police Station District - Patna.
5. Patna Municipal Corporation, Patna through the Municipal Commissioner, Patna Municipal Corporation, Patna.
6. Municipal Commissioner Patna Municipal Corporation, Patna.
7. The Executive Engineer Nutan Rajdhani Circle (North), Patna, Municipal Corporation, Patna.
8. The Vigilance Officer, Patna Municipal Corporation, Patna.
9. The Deputy Director Urban Planning Patna Municipal Corporation, Patna.
10. Digvijay Singh Son of Late Mahendra Pratap Singh, resident of New Kulharia House, West Exhibition Road, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Vivek Kumar Singh, Advocate
	:	Mr. Sushil Kr. Singh, Advocate
For the Opposite Party/s	:	Mr.Abbas Haider (SC 6)
For P.M.C.	:	Mr. Prasoon Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

2 05-04-2023 The present petition has been filed for restoration

of a petition bearing M.J.C. no. 1414 of 2022, which has



stood dismissed on account of non compliance of the peremptory order dated 19.09.2022.

The learned counsel for the petitioner has submitted that though he has removed the defects but the same have been removed after expiry of the peremptory time of 10 days, granted to the petitioner vide the aforesaid order dated 19.09.2022, hence, the aforesaid restoration petition had stood dismissed on account of non-compliance of peremptory order dated 19.09.2022, however, a sympathetic view be taken in view of the fact that *lis* still survives for adjudication, as far as the writ petition is concerned.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the averments made in the present petition, we deem it fit and appropriate to direct for restoration of the aforesaid petition bearing M.J.C. no. 1414 of 2022 to its original file, subject to the registry verifying as to whether all the defects have been removed or not.



The present petition stands disposed off on the
aforesaid terms.

(Mohit Kumar Shah, J)

(Shailendra Singh, J)

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