

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1713 of 2023

In
Civil Writ Jurisdiction Case No.18177 of 2021

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1. Aravind Prasad Son of Late Jageshwar Prasad Resident of Village- Bekapur Chaukabajar, P.S.- Kotwali, District- Munger. At present resident of Mohalla- Purabsarai Road Near Durga Asthan, P.S.- Kotwali, District- Munger.
 2. Rita Gupta Wife of Aravind Prasad Resident of Village- Bekapur Chaukabajar, P.S.- Kotwali, District- Munger. At present resident of Mohalla- Purabsarai Road Near Durga Asthan, P.S.- Kotwali, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Commissioner, Munger Division, Munger.
3. The Collector, Munger.
4. The S.D.M., Munger.
5. The Circle Officer, Munger.
6. The Khas Mahal Officer, Munger.
7. Sri Hari Prakash Tiwari Son of Late Kashi Prasad Tiwari Resident of Mohalla- Chowk Bazar, Near Pandit Din Dayal Chowk, P.s.- Kotwali, District- Munger and Presently residing at 20 Station Road, Lucknow, P.O.- Lucknow, P.S.- Hussainganj, District- Lucknow (U.P.) Pin Code- 226001.
8. Sri Prakash Tiwari Son of Late Kashi Prasad Tiwari Resident of Mohalla- Chowk Bazar, Near Pandit Din Dayal Chowk, P.s.- Kotwali, District- Munger and Presently residing at 20 Station Road, Lucknow, P.O.- Lucknow, P.S.- Hussainganj, District- Lucknow (U.P.) Pin Code- 226001.
9. Sri Vishwa Prakash Tiwari Son of Late Kashi Prasad Tiwari Resident of Mohalla- Chowk Bazar, Near Pandit Din Dayal Chowk, P.s.- Kotwali, District- Munger and Presently residing at 20 Station Road, Lucknow, P.O.- Lucknow, P.S.- Hussainganj, District- Lucknow (U.P.) Pin Code- 226001.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indu Bhushan
For the Opposite Party/s : Mr.Abbas Haider (Sc6)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-08-2023 The present petition has been filed for restoration of a



writ petition bearing CWJC No. 18177 of 2021, which has stood dismissed for default vide order dated 20.6.2023.

2. This Court finds that a false statement has been made by the petitioners in paragraph no. 6 of the present petition to the effect that when he had enquired from the learned Court Master about the fate of the case, after he had failed to appear before this Court when the case was taken up, he was told that the case would be heard on the next day, but in the evening, he found from the website that the case has been dismissed for non-prosecution.

3. This Court finds that the aforesaid mis-statement is not only inapposite but also stands falsified from the fact that the website of this Court is showing the status of the aforesaid writ petition as- “Dismissed on account of non-prosecution”, which is only material, nonetheless, the fact remains that admittedly the Ld. Counsel for the petitioners had failed to appear before this Court, when the aforesaid writ petition was taken up for hearing.

4. In such view of the matter, the learned counsel for the petitioners seeks to delete paragraph no. 6 of the present petition as also voluntarily submits that he would deposit a sum of Rs. 5,000/- by way of cost with the Patna High Court Legal Services



Committee. It is directed accordingly.

5. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners as also considering the averments made in the present petition, I deem it fit and proper to restore the aforesaid writ petition bearing CWJC No. 18177 of 2021 to its original file, subject to deletion of paragraph no. 6 of the present petition by the learned counsel for the petitioners as also subject to deposit of a sum of Rs. 5,000/- by way of cost with the Patna High Court Legal Services Committee, within a period of one week from today.

6. The present restoration petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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