

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.689 of 2023

In
Civil Writ Jurisdiction Case No.18429 of 2022

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Md. Munna Son of Late Md. Yunus Resident of Mohalla- Baulee, P.S.-
Phulwari Sharif, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Building Construction Department, Bihar, Patna.
3. The Principal Secretary, Urban Development and Housing Department,
Government of Bihar, Patna.
4. The District Magistrate, Patna. x
5. The Additional District Collector, Patna.
6. The Land Acquisition Officer, Patna.
7. The Circle Officer, Patna.
8. The Circle Officer, Phulwari Sharif.
9. The Executive Engineer, Building Division, Gardanibag Building
Construction Department, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Mohammed Abu Haidar
For the Respondent/s : Mr. Amit Prakash (G13)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

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

2 12-07-2023 The present L.P.A. No. 689 of 2023 is bereft of

details of provisions of law what has been stated is Clause-X of

Rules of the High Court at Patna.

2. Further L.P.A. is not supported by relevant
document and what has been produced is impugned vacating
interim order dated 28.04.2023.



3. While vacating the interim order on 28.04.2023, the learned Single Judge has relied upon the counter affidavit filed on behalf of Respondent nos. 3 and 4 to 6. Even such materials have not been placed on record, in the absence of such material it would be difficult for us to analyze the impugned order of the learned Single Judge.

4. It is relevant to extract para 4 of Chapter IIIA of Filing Procedure under Rules of the High Court at Patna.

“4. (i) Memo of Appeal in relation to Letters Patent Appeal under Clause 10 of the "Letters Patent Constituting the High Court of Judicature at Patna" arising out of a petition under Article 226 of the Constitution of India, shall contain a brief statement of the plea of the writ petitioner/s and the defense raised by the respondent/s in the Writ Petition and the grounds of appeal. The Judgment/Order under challenge will be annexed to the Appeal Memo. No other document or no new facts shall be incorporated in the Appeal Memo.

(ii) The Court may allow the parties to bring on record additional materials or new facts by a specific order made on Interlocutory Application made in this regard.

(iii) Along with memo of appeal, complete pleadings of writ proceedings will be filed for the use of the 2nd Hon'ble Judge. Provided that in case, complete pleadings are not available with any Lawyer/Advocate, he will intimate the same to the L.P.A. Section, where he shall be issued those



wanting pleadings/ papers/documents on payment of charges as may be fixed by the Registry.

(iv) Interlocutory Application for stay or for interim relief and/or direction may be filed either along with the Memo of Appeal or at any time during pendency of the Appeal.”

5. Clause (iii) is not complied. On the other hand, learned counsel for the appellant is asking this Court to summon for writ papers and peruse the same. Such procedure is not meant for us in the light of High Court Rules, cited supra.

6. Therefore, L.P.A. No. 689 of 2023 stands rejected reserving liberty to file fresh L.P.A. while producing relevant and necessary documents.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

Amrendra/-

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