

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.785 of 2019
In
Civil Writ Jurisdiction Case No.20635 of 2010

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1. The State of Bihar through the Principal Secretary, Environment and Forest Department, Govt. of Bihar, Patna
 2. The Deputy Secretary Environment and Forest Department, Govt. of Bihar, Patna
 3. The Chief Conservator Forest, Govt. of Bihar, Patna
 4. The Divisional Officer Forest Tirhut Forest Extension Division, Muzaffarpur Null
 5. The Deputy Director Champaran Forest Project Division-2, Bettiah West Champaran
 6. The Divisional Forest Officer Cum Deputy Director Valmiki Tiger Project, Division Bench-1, Bettiah, West Champaran

... .. Appellant/s

Versus

Singasan Prasad S/o Late Jaduni Prasad R/o Village Barwat Pasaraee, P.S.- Bettiah Muffasil, District-West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravi Kumar
For the Respondent/s : Mr.

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

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

6 29-02-2024 Heard I.A. No. 01 of 2019.

2. There is delay of about 300 days in filing L.P.A.

No. 785 of 2019. In Para 2, it is stated as under:-

“That the impugned order was passed by the Hon'ble Single Judge on 07.08.2018 and a certified copy of the same was sent to the office of the appellants in due course. On



27.08.2018, a copy of order dated 07.08.2018 was submitted by the writ petitioner in the office of Divisional Forest Officer cum Deputy Director, Balmiki Tiger Reserve, Division I, Bettiah. On 01.09.2018, the Divisional Forest Officer Cum Deputy Director, Balmiki Tiger Reserve, Division I by his letter no. 1021, dated 01.09.2018 communicated a copy of order dated 07.08.2018 to Conservator of Forest cum Regional Director, Balmiki Tiger Reserve. Thereafter, on 19.09.2018, by his letter no. 1039, dated 19.09.2018, the Conservator of Forest cum Regional Director, Balmiki Tiger Reserve asked Deputy Director, Balmiki Tiger Reserve, Division I to make available a statement of fact for filing LPA. Subsequently, on 26.09.2018, by letter no. 1134, dated 26.09.2018 of Divisional Forest Officer Cum Deputy Director, Balmiki Tiger Reserve, Division I a copy of statement of fact for filing LPA was made available for to Conservator of Forest cum Regional Director, Balmiki Tiger Reserve. Thereafter, on 13.10.2018, by letter no. 1146, dated 13.10.2018 of Conservator of Forest cum Regional Director, Bettiah the proposal for filing LPA was forwarded to Director, Ecology and Environment, Patna.



Subsequently, on 26.10.2018, the Director, Ecology and Environment, Patna by his letter no. 1340, dated 26.10.2018 forwarded the proposal for filing LPA to Principal Chief Conservator of Forests, Bihar. On 17.12.2018, the matter was examined in the office of Principal Chief Conservator of Forests, Bihar and by letter no. 3289, dated 17.12.2018 records related with the matter were sought for from Conservator of Forest cum Regional Director, Bettiah. On 21.12.2018, by letter no. 1409, dated 21.12.2018 of Conservator of Forest cum Regional Director, Bettiah the Divisional Forest Officer cum Deputy Director, Bettiah-II Division was asked to provide with the records. By his letter no. 10, dated 01.01.2019, the Divisional Forest Officer cum Deputy Director, Bettiah-II, Division sent the records to Conservator of Forest cum Regional Director, Bettiah. By letter no. 14, dated 03.01.19 of Conservator of Forest cum Regional Director, Bettiah the records were sent to office of Principal Chief Conservator of Forests, Bihar.”

3. Reading of the aforementioned paragraph, it is only stated that the file was tossed from one section to



another section or from one officer to another officer. All Officers are Group A officers. They must be aware of the limitation in filing L.P.A. In such circumstances, they should have given priority in filing L.P.A. within a reasonable period of time.

4. We are not satisfied with the reasons assigned in Para 2 so as to condone the delay of 301 days. In this regard, we have taken note of the Hon'ble Supreme Court decision in the case of *Municipal Corporation of Greater Mumbai & Ors. Vs Uday N. Murudkar reported in (2021) 11 SCC 816*, wherein cost was imposed.

5. Accordingly, I.A. No. 01 of 2019 stands rejected.

6. Even on merits, Respondent was subjected to disciplinary proceedings on 29.01.1994, it was concluded in imposing penalty on 16.10.2004 & Principle of Natural Justice was not followed at various stages like Inquiry Officer Exonerates and disciplinary authority failed to issue show cause notice to the extent how he was differing and no inquiry report was made available to the Respondent. Respondent was aged about 60 years as on the date of



fililng C.W.J.C. in the year 2010. The present L.P.A. was filed in the year 2019 and the same was not pursued, even excluding Covid-19 period from March 2020 to March 2022. In other words, there is no seriousness on behalf of State in processing the litigations.

7. Consequently, the present L.P.A. No. 785 of 2019 stands dismissed.

8. Pending I.A.’s, if any, stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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