

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2578 of 2023

In
Letters Patent Appeal No.1087 of 2016

-
1. Sanjeev Kumar Son of Late Brij Kishore Prasad, Resident of Village-Chargaha, P.O.-Bel Bagh Bettiah, P.S.-Mufassil Bettiah, District-West Champaran.
 2. Raman Kumar, Son of Late Jagarnath Prasad, Resident of Lal Bazar Nonia Toli, Ward No. 33 Bettiah, P.O. and P.S.-Bettiah, District-West Champaran.
 3. Yuvraj Bahadur Singh, son of Late Kharag Bahadur Singh, residing at Officer Colony Bettiah, Near Agriculture Office, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Joint Secretary-cum-Director, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Deputy Secretary cum Director, Urban Development and Housing Department, Government of Bihar, Patna.
4. The District Magistrate cum Collector, West Champaran, Bettiah.
5. The Sub-Divisional Officer, Bettiah Sadar, Bettiah, West Champaran.
6. The Nagar Parishad, Bettiah through its Chairman, Bettiah, West Champaran.
7. The Executive Officer, Nagar Parishad, Bettiah, West Champaran.
8. The Members of Cabinet of Municipal Board, Nagar Parishad, Bettiah, West Champaran.
9. The City Manager, Bettiah Municipality, West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Ranjan, Advocate

For the Opposite Party/s : Mr.Yogendra Prasad Sinha (Aag 7)

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

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

4 20-04-2024 The present MJC is filed for recalling the order dated
21.07.2016 passed in LPA No. 1087 of 2016. There is an



inordinate delay about 9 years in presenting MJC insofar as recalling the order dated 21.07.2016 in the year 2023. The reasons assigned are as under:-

“3. That since the learned lawyer was not appear when the case was called out so he was not aware with the order passed in the case on the said date.

4. That it is submitted that when the appellants contacted to the said conducting lawyer he did not give him proper information and finally, on 30.07.2023 they searched their case in the website of Patna High Court then they could know about the order of rejection of the case for non compliance of the said order. Thereafter, they obtained No Objection Certificate from the said lawyer and the instant restoration petition is being filed to restore the petition to its original file.”

2. Even though sufficient cause has not been shown to condone delay of 9 years. Be that as it may right of the petitioners would be affected for no fault. On the other, fault is on the part of the learned counsel for the appellants Mr. Krishna Kant Tiwari who has not informed the petitioners – Sanjeev Kumar & Ors. about the order dated 21.07.2016.

3. Accordingly, the present MJC NO. 2578 of 2023 stands allowed, while recalling the order dated 21.07.2016



passed in LPA No. 1087 of 2016 and it is restored.

4. Registry is hereby directed to list this LPA No. 1087 of 2016 before the appropriate Roster Bench, subject to payment of cost of Rs. 10,000/- (Rupees Ten Thousand Only) for the reasons that there is an inordinate delay of about 9 years in filing the present MJC. Cost shall be remitted in the Patna High Court Legal Services Committee within a period of 8 weeks' from the date of receipt of this order, failing which the present MJC No. 2578 of 2023 stands dismissed.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

abhishekk/-

U			
---	--	--	--

