

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1179 of 2019

In
Civil Writ Jurisdiction Case No.15214 of 2008

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1. The State of Bihar Bihar.
 2. The Secretary-cum-Commissioner, Environment and Forest Department, Bihar, Government, Patna.
 3. The Secretary, Personnel and Administrative Reforms Department, Bihar Government, Patna.
 4. The Joint Secretary, Environment and Forest Department, Bihar Government, Patna.
 5. The Principal Chief Conservator of Forest, Bihar, Patna.
 6. The Regional Chief Conservator of Forest, Muzaffarpur.
 7. The Forest Conservator, Muzaffarpur Circle, Muzaffarpur.
 8. The Divisional Forest Officer, Gopalganj, Forest Division, Gopalganj.
 9. The Regional Forest Officer, Gopalganj.
 10. The District Magistrate, Gopalganj.

... .. Appellant/s

Versus

1. Prabhunath Choudhary Son of Ram Awadh Choudhary, Resident of Village Harihara, P.O. Kamlakant Karriwa, P.S. Phulwaria, District- Gopalganj.
2. Sarajul Sain, Son of Late Ali Sain, Resident of Village Pendula K has, P.O. Jagarnatha, P.S. Mirganj, Dist. Gopalganj.
3. Surendra Yadav, Son of Bishwanath Yadav, resident of Village Pendula Khas, P.O. Jagarnatha, P.S. Uchkagaon, Dist.- Gopalganj.
4. Shambhu Singh, Son of Ramdeo Singh, Resident of Village Amatha K hen, P.O. Lain Bazar, P.S. Mirgan, Dist.- Gopalganj.
5. Bashishtha Narayan Singh, Sonof Dhenuk Singh, Resident of Village and P.O. Koini, P.S. Manjhagarh, Dist.- Gopalganj.
6. Ganesh Mishra, Son of Shiv Pujan Mishra, Resident of Village Jagatpur Baid, P.O. Rudalpur, P.S. Bhore, Dist.- Gopalganj. (Since dead).
7. Hira Tatwan, Son of Ram Surat Tatwan, Resident of Village Kushha, P.O. Sisai Bazar, P.S.- Bhore, Dist.- Gopalganj.
8. Radhe Shyam Manjhi, Son of Sudama Manjhi, Resident of Khadahi, P.O. Sisai Bazar, P.S. Bhore, Dist.- Gopalganj.
9. Dukhharan Choudhary, Son of Late Rajbali Choudhary, Resident of Rajpur, P.O. Radhaganj, P.S. Phulwaria, Dist.- Gopalganj.
10. Anil Kumar Prasad, Son of Chhatu Prasad, Resident of Village Kaparpura, P.O. and P.S. Mirganj, Dist.- Gopalganj.
11. Chaturbhu Mishra, Son of Jhapasi Mishra, resident of Village Kanpura, P.O. Karvatahi, P.S.- Kuchaikot, Dist.- Gopalganj.



12. Hari Narayan Choudhary, Son of Mahadeo Coudhary, Resident of Village Bilarua, P.O. and P.S. Vijaipur, Dist.- Gopalganj.
13. Nagendra Tatwan, Son of Hira Tatwan, Resident of Village- Khadahi, P.O. Sisai Bazar, P.S. Bhore, Dist.- Gopalganj.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sarvesh Kumar Singh, AAG-13
Mr. Rajat Kumar Tiwary, AC to AAG-13
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)

2 19-06-2024

Re:- I.A. No. 01 of 2019

Heard I.A. No. 01 of 2019 for condonation of delay of about 638 days. Reasons assigned for condonation of delay are at Para 2 of the application and it reads as under:-

“2. That the impugned order was passed by the Hon’ble Single Judge on 08.11.2017 and a certified copy of the same was sent to the Principal Chief Conservator of Forests, Bihar by memo no. 391, dated 28.02.2018 of Divisional Forest Officer, Gopalganj Forest Division, Gopalganj. The said letter is not found received in legal section of office of Principal Chief Conservator of Forests, Bihar. A copy of order was sent to Chief Conservator of Forests, Administration and Human Resource Development, Bihar by letter no. 406, dated 13.3.2018 of Conservator of Forests, Siwan Circle, Siwan. This order was not received in legal section of office of Principal Chief Conservator of Forests, Bihar. A copy of letter no. 3422, dated 10.12.2018 of Environment, Forest and Climate Change Department



Govt, of Bihar was marked to legal section of Principal Chief Conservator of Forests, Bihar which contained the copy of contempt application filed for compliance of order dated 08.11.2017. With the said letter a copy of order dated 08.11.2017 was also enclosed.”

2. Reasons assigned by the appellants are very vague to the extent that file was moving from one office to another office and there were no records. In such circumstances, enormous delay of 638 days cannot be condoned unless and until specific causes are assigned alongwith necessary document, if any. In the absence of such material information it is not appropriate to condone enormous delay of about 638 days in filing the present L.P.A. No. 1179 of 2019.

3. Accordingly, I.A. No. 01 of 2019 for condonation of delay in filing the present L.P.A. No. 1179 of 2019 stands rejected and resultantly the present L.P.A. No. 1179 of 2019 stands dismissed.

4. Pending I.A.'s, if any, stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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