

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.43 of 2022
In
Civil Writ Jurisdiction Case No.20358 of 2016

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1. Md. Mehdi Hussain Son of Late Md. Sheikh Yasin, Resident of Village - Chak Dumariya Punarawas, P.O. - Pipra Khurd, P.S. and District - Supaul.
 2. Md. Akhlakh, Son of Md. Mehdi Hussain, Resident of Village - Chak Dumariya Punarawas, P.O. - Pipra Khurd, P.S. and District - Supaul.

... .. Appellant/s

Versus

1. Md. Ahmadullah Son of Sheikh Bhola, Resident of Village - Telva, Etaha, Tola - Bela, P.S. and District - Supaul.
2. The State of Bihar, through the Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Director, Land Acquisition and Rehabilitation, Water Resources Department, Government of Bihar, Patna.
4. The Rehabilitation Officer, Koshi Project, Supaul.
5. The District Magistrate, Supaul.
6. The Sub-Divisional Officer, Supaul.
7. The Circle Officer, Supaul.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Amrit Abhijat, Advocate Mr. Manoj Kumar Gupta, Advocate
For the Respondent/s	:	Mr. Anjani Kumar, AAG 4 Mr. Kuldeep Kumar, Advocate Mr. Dhires Kumar Dhiraj, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

5 08-07-2025

Re : I.A. No. 1 of 2023

Heard I.A. No. 1 of 2023 filed for condonation of
delay in filing the present LPA No. 43 of 2022. Paragraph Nos.
3 and 4 of the interlocutory application reads as under :

*“3. That the impugned order was
passed on 01.08.2019. The appellant No. 1 Md.
Mehdi Hussain was suffering from Hepatitis-B
and was in complete bed rest from 25.08.2019 to*



24.11.2019. Appellant was preparing to come Patna to filing appeal but there was again resurrection of the same element who prolong up-to March, 2022. In this regard on certificate dated 24.11.2019 has been issued by Dr. R.K. Sinha under whose treatment the appellant was treated.

4. That in the year 2020 the Covid – 19 spread in the month of February and March resulting into complete lockdown for quite and long time and the Hon'ble Supreme Court in suo-moto writ petition (C) No. 3 of 2020 was pleased to direct vide order dated 10.01.2022 that the period from 15.3.2020 to 28.2.2022 shall also stand excluded in computation of limitation.”

2. There is no proper explanation from 25.11.2019 to March, 2022. Assuming the Covid – 19 period taken into consideration, it would be for the period from 20th March, 2020 to February, 2022, in other words, there is no explanation. Therefore, the appellants have not made out a case so as to condone the delay of about 2 years 149 days. Accordingly, I.A. No. 1 of 2023, filed for condonation of delay, is rejected. LPA No. 43 of 2022 stands dismissed.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

GAURAV S./-

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