

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.495 of 2022

In
Civil Writ Jurisdiction Case No.7858 of 2018

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Rajiv Nayan Dubey @ Rajiv Nayan Sharma @ Mannu Dubey, Son of Radha Bilash Dubey, Resident of Village- Russi, P.O. Russi, Police Station- Jalalpur, District- Saran at Chapra.

... .. Appellant/s

Versus

1. The State of Bihar through the District Collector Saran at Chapra.
2. The District Collector Saran at Chapra.
3. The Circle Officer Jalalpur, District- Saran at Chapra.
4. Shashi Bhushan Pandey @ Shashi Kumar Pandey Son of Maheshwar Pandey Resident of Village- Russi, P.O.- Russi, Police Station- Jalalpur, District- Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Narendra Kumar, Advocate
For the Respondent/s	:	Mr. Sanjeev Kumar, Advocate
For the State	:	Mr. Nutan Sahay, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

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

10 24-02-2025

Heard learned counsel for the parties.

2. Learned counsel for the appellant has assailed the order of the learned Single Judge dated 01.08.2022 passed in CWJC No. 7858 of 2018. On 10.02.2025, we have passed the following order:

“Prima facie CWJC No. 7858 of 2018 (Shashi Bhushan Pandey @ Shashi Kumar Pandey vs. The State of Bihar and Ors.) is not maintainable in view of the fact that petitioner – Shashi Bhushan Pandey had cause of action insofar as entertaining CWJC in the year 2013 whereas there is delay of about five years. Be that as it may, in the absence of issuing notice to the appellant – Rajiv Nayan Dubey @ Mannu Dubey, learned Single Judge has proceeded to pass



order on 01.08.2022. On this count, appellant has made out a case.

2. In order to provide one opportunity to the learned counsel for the respondent – Shashi Bhushan Pandey, relist this matter on 24.02.2025. It is made clear that no further time would be granted on the next date of hearing.”

3. Today, learned counsel for the respondent no. 4, *Mr. Sanjeev Kumar*, who is appearing for the respondent – *Shashi Bhushan Pandey*, has not disputed that appellant has not been heard in the matter by the learned Single Judge on 01.08.2022 in C.W.J.C. No. 7858 of 2018. On this short ground, appellant has made out a case. Accordingly, order of the learned Single Judge dated 01.08.2022 passed in C.W.J.C. No. 7858 of 2018 stands set aside, C.W.J.C. No. 7858 of 2018 restored on its file. Registry is requested to list before the concerned roster Bench at the earliest.

4. Accordingly L.P.A. No. 495 of 2022 is allowed.

5. Pending I.A.(s), if any, stands disposed of.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

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