

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2658 of 2023

In
Civil Writ Jurisdiction Case No.6360 of 2023

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Sunny Kumar Son of Ram Chandra Singh Resident of Village and P.O. Kaab,
P.S. Ranitalab, District- Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
2. The Principal Secretary, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
3. The Director, Mines and Geology Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The District Magistrate cum Collector, Patna.
5. The Mineral Development Officer, Patna.
6. The Mines Inspector, District Mining Office, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Suraj Samdarshi, Adv.
For the Opposite Party/s	:	Mr. Gyan Prakash Ojha (Ga 7)
For the Mines	:	Mr. Naresh Dikshit, Spl. P.P.
		Ms. Kalpana, adv.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 28-11-2025 Heard the parties.

2. The present application has been preferred:

*for modification of order dated
27.07.2023 passed by Hon'ble Mr. Justice
Rajiv Roy in CWJC No. 6360 of 2023
whereby and where under the writ
application filed by the petitioner was
disposed of with liberty to the petitioner to
approach the appellate authority within a
period of four weeks.*



3. In this case, considering that the Lawazima Board passed an order on 16.07.2024, defect not removed and finally sent to the Court on 07.11.2025, show cause was called for, the same has been sent by Ms. Jyoti, ASO on 27.11.2025 according to which, due to pendency of COVID 19 period files, to clear the same, the delay occurred.

4. This Court would like to put on record its word of appreciation to her for clearing the backlogs. However, but that cannot be a ground to stall the new cases. Beside the old cases, the new cases should also be given time otherwise the purpose for updating the files shall frustrate. However, since the incumbent is new, the show cause is accepted.

5. In this case, on 27.07.2023, four weeks' time was granted to the petitioner to prefer appeal before the appellate authority while disposing of CWJC No. 6360 of 2023 (Sunny Kumar vs. State of Bihar).

6. After lapse of four weeks, the defective modification petition was filed on 15.09.2023 with prayer for extension of time by further two weeks as the learned counsel could not communicate with the petitioner.

7. However, as recorded, the same remained defective and despite the Lawazima Board's order dated 16.07.2024, the



defect was not removed. It finally came to be removed only after the peremptory order was passed by this Court on 07.11.2025.

8. Though the conduct of the petitioner do not warrant further extension of time, in view of the fact that an opportunity was given to him to prefer an appeal, the same is allowed subject to payment of Rs. 2,000/- to the Patna High Court Legal Services Committee which in turn will go to Supreme Court Vidhik Anuvaad Software (SUVAS) Cell.

9. The MJC No. 2658 of 2023 stands disposed of granting further two weeks' time for filing the appeal.

(Rajiv Roy, J)

Vijay Singh/-

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