

(2020) 02 PAT CK 0266

In the Patna High Court

Case No : Letters Patent Appeal No. 837 Of 2019, Civil Writ Jurisdiction Case No. 1602 Of 2017

Lalit Kumar Singh

APPELLANT

Vs

Molai Sharma And Ors

RESPONDENT

Date of Decision : 19-02-2020

Acts Referred:

Citation : (2020) 02 PAT CK 0266

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : Jibendra Mishra, Md. Khurshid Alam, Nutan Sahay

Final Decision : Dismissed

Judgement

1. Heard learned counsel for the appellant and learned counsel for the respondents.
2. The appeal is reported to be delayed by 103 days.
3. We have considered the affidavit filed in support of the delay condonation application and we find that sufficient cause has been shown to condone the delay in filing the appeal. The delay is condoned and the appeal shall be treated to be within time.
4. I.A. No. 01 of 2019 stands allowed accordingly. Re: L.P.A. No. 837 of 2019 The petition filed on 23.07.2019 is listed for hearing for the first time today before the Court.
2. The instant appeal has been preferred against the order dated 12.03.2019 passed by a learned Single Judge of this Court in C.W.J.C. No. 1602 of 2017, titled as Molai Sharma & Anr. Vs. The State of Bihar & Ors.
3. Learned counsel for the appellant/Respondent No. 7 in the writ petition states that as on date there is no matter pending before the Divisional Commissioner, Purnea and also as on the date of the passing of the impugned order dated 12th

of March, 2019, the appeal pending before the Divisional Commissioner stood disposed of and that the writ-petitioners filed the petition, subject matter of the present appeal, by concealing the factum of orders passed by this Court in C.W.J.C. No. 2335 of 2015, titled as Purnima Devi Goshala Vs. The State of Bihar & Ors. Pursuant thereto, the authorities have already passed the order.

4. Statement accepted and taken on record.

5. We find from the impugned order that no right inter se the parties stands adjudicated by the learned Single Judge. The only direction is for disposal of the appeal stated to have been pending before the Divisional Commissioner, Purnea. No adverse order stands passed against the appellant. Whether the writ petition was filed mala fide or not, is an issue to be adjudicated in an appropriate proceedings. As such, we see no reason to interfere in the present appeal.

6. The appeal is accordingly dismissed.