

(2011) 04 JH CK 0168

In the Jharkhand High Court

Case No : Writ Petition (S) No. 4717 of 2008

Santosh Kumar Singh

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 21-04-2011

Acts Referred:

Citation : (2011) 04 JH CK 0168

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Judgement

Narendra Nath Tiwari, J.

I.A. No. 124 of 2011:

1. In this interlocutory application, the Petitioner has prayed for exemption from affecting personal service of notice on Respondent Nos. 4 and 5.

2. It has been submitted that it is not possible to serve notice personally on the said Respondents. It has been further submitted that the said Respondents, who were below the Petitioner in the panel, have been appointed and they are interested in delaying hearing of the writ petition. Due to said reason, they are deliberately avoiding personal service of notice.

3. Learned J.C. to A.G. submitted that though learned Counsel for the Petitioner has made the said oral submission, the said ground has not been stated in the application. In fact, no reason has been assigned for making prayer for exemption from personal service of notice on Respondent Nos. 4 and 5, as directed by this Court by order dated 2nd September 2009.

4. Having heard learned Counsel for the parties, I find that there is no clear averment in the application on the basis of which prayer for exemption can be accepted. However, since the Petitioner could not serve the notice personally on Respondent Nos. 4 and 5 even after lapse of more than a year, it is desirable that the notice on Respondent Nos. 4 and 5 be sent through process of the Court/

registered post.

5. Considering the above, this interlocutory application is allowed, giving liberty to the Petitioner to take steps for service of notice on Respondent Nos. 4 and 5 through ordinary process and by registered post with acknowledgment due without further awaiting for personal service on Respondent Nos. 4 and 5 and for that purpose, one week's time is given to the Petitioner to take appropriate step for service of notice on Respondent Nos. 4 and 5.

6. With the said observations and directions, I.A. No. 124 of 2011 is disposed of.