

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(PIL) No. 6048 of 2018
With
I.A No. 4437 of 2021

Mithilesh Kumar Jha	.....	...	Petitioner
Versus			
The State of Jharkhand & Ors.	.....	...	Respondents

With
C.M.P. No.162 of 2020
With
I.A No.1720 of 2021

Rajendra Prasad Yadav	.....	....	Petitioner
Versus			
The State of Jharkhand & Ors.	.....	....	Respondents

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioners	: Mr. Manish Kumar, Advocate Mr. Jitendra Nath Upadhyay, Advocate
For the Resp.-State	: Mr. Piyush Chitresh, A.C. to A.G.
For the JSHB	: Dr. Ashok Kumar Singh, Advocate
For the Resp. No. 9	: Mr. P.P.N.Roy, Sr. Advocate

Oral Order
09/ Dated 09.09.2021

Perused the office note.

Defect No.1 is that the copy of the impugned order may be filed. Though this is a stamp report dated 6.3.2021 itself but it is very unfortunate that even the impugned order could not be filed by the petitioner in this Civil Miscellaneous Petition.

We could have ordinarily imposed exemplary cost for such type of negligence which is continuing since the filing of the connected writ petition but in view of the pandemic situation which was prevailing at that time, we are not passing such order. Accordingly, since the original record of the connected writ petition being W.P.(C) No.2963 of 2018 is available with us and we have seen the order due to non-compliance of which the writ

petition was dismissed for default.

Let the defect No.1 as well as defect No.5 be ignored.

I.A No.1720 of 2021

This interlocutory application has been filed for condoning the delay of (.....) (*days not mentioned*) days, which is written in the interlocutory application.

We are very much surprised, how such type of petition can be allowed where even the number of days of delay has not been stated in it, only the dotted lines are there in paragraph Nos.1 & 5 both. However, in view of the fact that the stamp reporter has stated that no question of limitation arises in this matter, we are ignoring this as no order is required to be passed in this interlocutory application.

Consequently, this interlocutory application stands disposed of.

C.M.P No..-162 of 2020

This application has been filed for restoration of W.P.(C) No.2963 of 2018 which stood dismissed for non-compliance of order dated 3.9.2019 by the learned Single Bench of this Court. It is stated in the petition that due to mistake of the Advocate's clerk, requisite etc. could not be filed within the preemptory time, which led to the dismissal of the writ petition and it is only after receiving the dismissal slip on 22.1.2020, this case for restoration of the writ petition has been filed.

We have heard the parties.

The explanation is accepted,.

W.P.(C) No.2963 of 2018 is restored to its original file.

It appears that all the defects have been removed but after the expiry of the preemptory time granted by the order aforesaid. The period for removal of the defects is extended up to the concerned date on which the

same were removed by the writ petitioner.

In W.P.(PIL) No.6048 of 2018, we have recorded on 4.3.2021 that “let C.M.P No.162 of 2020 alongwith the records of W.P.(C) No.2963 of 2018 be tagged with this case.” Accordingly, since W.P.(C) No.2963 of 2018 has now been restored, put up this case alongwith W.P.(PIL) No.6048 of 2018 tomorrow i.e. on 10.09.2021 within top five cases as the matter is related with the removal of encroachment from the lands of the Housing Board which the writ petitioner is claiming to be owned by him.

(Dr. Ravi Ranjan, C.J.)

(Sujit Narayan Prasad, J.)

DS/BS