

Md. Mustaque Vs. the State of Bihar and ors.

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Court : Patna

Decided On : Jul-04-2003

Judge : Ravi S. Dhavan, C.J. and R.N. Prasad, J.

Appeal No. : C.W.J.C. No. 4148 of 2003

Appellant : Md. Mustaque

Respondent : The State of Bihar and ors.

Judgement :

Ravi S. Dhavan, C.J. and R.N. Prasad, J.

1. This matter was to be listed upon orders of 29-4-2003. The respondents so arrayed were put under notice by giving them time to file a return or reply before 23rd May, 2003. As of today the formalities have not been completed. Whereas respondent No. 4 filed a reply on record on 23rd May, 2003, a copy of the reply was not served on counsel for the petitioner until today in Court. This proceeding now gets delayed. This respondent, thus, shall pay a cost of Rs. 500/- to be deposited with the Registrar General in the account of Bihar State Legal Services Authority. Only on depositing of the cost the reply filed on behalf of this respondent will be considered.

2. Respondent No. 3 filed a reply on 23rd May, 2003 and served its copy on counsel for the petitioner within time.

3. Respondents 1 and 2, in effect State of Bihar, has not filed a counter-affidavit and learned A.A.G. 2 Mr. S.K. Ghose, Senior Counsel) seeks further two week's time to file a counter-affidavit. One set of Court fee of Rs. 1000/- shall be paid on behalf of respondents 1 and 2 and deposited with the Registrar General in the Court of the aforesaid authority.

4. Respondent No. 5 represented by Mr. Om Prakash has not filed a counter-affidavit. He seeks two week's time for filing it. This respondent may file a counter-affidavit provided a cost of Rs. 1000/- is paid and deposited with the Registrar General in the account of the said authority.

5. Respondents 6, 7 and 8 The Gaya Regional Development Authority, Gaya, the Muzaffarpur Regional Development Authority and Patna Regional Development Authority have not filed their counter-affidavits and they seek further time for filing the same. Each one of them shall pay a cost of Rs. 1000/- each while having two week's time to file the counter-affidavit. These costs will be deposited with the Registrar General in the account of the aforesaid authority.

6. List after two weeks in the supplementary list.

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