

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

BEFORE THE REGISTRAR S.G. SHAH

Petition(s) for Special Leave to Appeal (Civil) No(s).22245/2004

(From the judgement and order dated 15/07/2004 in CWJC No. 4148/2003 of  
The HIGH COURT OF PATNA)

PATNA REGIONAL DEVELOPMENT AUTHORITY

Petitioner(s)

VERSUS

MD. MUSTAQUE & ORS. Respondent(s)  
(With prayer for interim relief and office report )

WITH SLP(C) NO. 22726 of 2004  
(With prayer for interim relief and office report)  
SLP(C) NO. 22935-22936 of 2004  
(With prayer for interim relief and office report)  
SLP(C) NO. 23105 of 2004  
(With prayer for interim relief and office report)

Date: 17/03/2009 This Petition was called on for hearing today.

For Petitioner(s) Ms. Niranjana Singh,Adv.  
Mr. B.B. Singh,Adv.  
Mr. Gopal Singh,Adv.  
Ms. Sangita Singh,Adv.

For Respondent(s) Mr. B.B. Singh,Adv.  
Mr. Ratan Kumar Choudhuri ,Adv.  
Mr. Amit Pawan,Adv.

UPON hearing counsel the Court made the following  
ORDER

This SLP is of the year 2004.

There is Court's Order to issue notice with interim stay on  
5.11.2004. Thereafter petitioner, State Authority could not serve a  
single respondent against whom there is an ex-parte

..2/-

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stay. The matter was adjourned for 23rd April 2007, 20th August, 2007  
and 6th December, 2007 when matter was ordered to be listed before the  
Hon'ble Chamber Judge for default of the petitioner. By order dated 31st  
January, 2008, Hon'ble Chamber Judge has granted further four weeks  
time by way of last chance with an additional dasti service.

Petitioner has failed to serve the unserved respondents till date.

Petitioner has also failed to take appropriate steps by selecting  
proper mode of service, as provided under the Code of Civil Procedure till  
date.

Now, petitioner has filed an application for substituted service on 4th  
March, 2008. On perusal of such application, it is found that it is not  
proper and as per rule, in as much as the name of the newspaper are not

disclosed in such application, therefore such application cannot be entertained. Considering the fact that matter is pending for confirming service upon single unserved respondent for five years, list the matter before the Hon'ble Chamber Judge for non-prosecution against unserved respondents.

( S.G. Shah )  
Registrar

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