

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.486 of 2011

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M/S Shiva Construction Indrukh, Halimpur, Jamalpur Munger, through its partner Himanshu Sekhar, Son Of Mishri Singh, resident of village-Indrukh, P.S. Jamalpur, Distt. Munger

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Railway Board Ministry of Railway Govt. of India, New Delhi
2. Divisional Railway Manager, Eastern Railway Malda
3. Senior Divisional Engineer (II) Eastern Railway, Malda
4. Inspector of Works, Eastern Railway Jamalpur
5. Executive Director, Civil Engineering (G) Railway Board, New Delhi
6. Chief General Engineer, Eastern Railway office of the Principal Chief Engineer, Eastern Railway ,Kolkata

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Verma, Sr.Adv.
Mr. Karuna Nath Sahay
For the Respondent/s : Mr. Anil Kumar Sinha
Mr.Abhimanyu Deo

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 04-05-2015 Heard the parties.

The petitioner is aggrieved by the order dated 02.08.2010 (Annexure-1) issued under the signature of respondent Executive Director (Civil Engineering), Railway Board, New Delhi, whereby a ban was imposed on business with the petitioner-firm and its sister/allied concerns and partners for a period of three years for the reasons recorded in the order.

This writ petition was heard earlier by a Bench of this Court and by an order dated 20.01.2011, the operation of the impugned order was stayed. In the meantime, the period of three years is over.

Learned counsel appearing on behalf of the respondents has pointed out that in view of the fact that the ban was imposed

only for a period of three years, but the operation of the impugned order was stayed by a Bench of this Court by the aforesaid order dated 20.01.2011, therefore, the impugned order has lost its efficacy particularly in view of passage of time and the expiry of the period of three years.

Learned counsel appearing on behalf of the respondents appears to be correct.

The present matter, in view of passage of time, has become infructuous and is, accordingly, dismissed.

It is clarified that, if any adverse consequential order has been passed pursuant to the impugned order as contained in Annexure-1, then the petitioner shall be at liberty to challenge the same in an appropriate proceeding before an appropriate forum/court, which shall be decided in accordance with law.

(Birendra Prasad Verma, J)

Arvind/-

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