

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9630 of 2014

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M/S Star Construction through its proprietor Parwez Ahmad Khan son of Haseen Ahmad Khan, resident of Mohalla- Balua Tal, P.S. Motihari Town, District- Motihari.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Government of Bihar Water Resources Department, Patna.
2. The Secretary Water Resources Department, Government of Bihar, Patna.
3. The Engineer in Chief (Madhya) Water Resources Department, Government of Bihar, Patna.
4. The Engineer-in-Chief (North) Water Resources Department Government of Bihar, Patna.
5. The Joint Secretary Water Resources Department Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Md. Khurshid Alam, Adv.

For the Respondent/s : Mr. P.K. Verma, Sr. Adv.

Dr. Mankeshwar Tiwari, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

6 11-08-2015

Heard learned counsel for the petitioner and learned counsel

for the State.

2. It is abundantly clear from various documents on record including the Water Resources Department's Memo No. 11/Ni 3-80 42/2000 3636 dated 14.07.2004 (Annexure 12) as well as the averment in para 6 of the Petitioner's supplementary affidavit that the entity "Star Construction" which was registered with the Water Resources Department vide Registration No. C-1B-724/2000 was a Partnership Firm and the said Firm was subsequently converted into Javen Construction Pvt. Ltd., the latter having taken over all its assets and liabilities.

3. On the other hand, the Petitioner who has approached the Court with the present Writ Petition is "Star Construction" through its

proprietor Sri Parwez Ahmad Khan, which however was admittedly never registered in that capacity with the Water Resources Department.

4. Learned Counsel for the Petitioner is unable to clarify how, after the entity of the Partnership Firm “Star Construction” which was registered with the Water Resources Department itself ceased to exist upon being converted into a Limited Company, the present Writ Petition could be maintained at the instance of “Star Construction” claiming to be a Proprietary Concern. As a matter of fact, Learned Counsel could also not demonstrate that that the order of the Engineer in Chief (Central) as contained in Memo No. 5373 dated 26.08.2011 (Annexure-2/A) was relatable to the business styled “Star Construction” constituted as a Proprietorship business, which ever even existed as such.

5. Faced with the above fact-situation, after some arguments, Learned Counsel for the Petitioner seeks permission to withdraw the present Writ Petition, which is accorded as the Writ Petition is not maintainable at the instance of “Star Construction” in the capacity of a proprietorship.

6. The Writ Petition stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/-

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