

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1439 of 2012
IN
Civil Writ Jurisdiction Case No. 2728 of 2012

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Third Eye Communication Pvt. Ltd., having its registered office at 32, Vaibhav Apartment, Budh Marg, P.S. Kotwali, Town & District Patna, through its Director, Manoj Kumar Saraf, son of Late Laxmi Prasad Saraf Resident of 510, Shanti Vihar Apartment, Fraser Road, P.S. Kotwali, Town & District Patna.

.... Appellant/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Development Commissioner-Cum-Chairman, State Investment Promotion Board, Government of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, Urban Development & Housing Department, Government of Bihar, Vikas Bhawan, Patna.
4. Patna Municipal Corporation, Budh Marg, Patna, through its Municipal Commissioner-Cum-Chief Executive Officer.
5. The Municipal Commissioner-Cum-Chief Executive Officer, Patna Municipal Corporation, Budh Marg, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Suraj Samdarshi, Advocate
For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 18-08-2015

The appellant has filed this Intra-Court Appeal

against the order of the learned Single Judge dated 19.06.2012 passed in C.W.J.C. No. 2728/2012, declining to entertain the writ petition.

In our view, the learned Single Judge rightly noticed that the remedy available to the writ petitioner appellant was either to sue the Municipal Corporation for unauthorizedly terminating his contract and destroying its properties or file contempt, if it is made out, in view of earlier order passed in C.W.J.C. No. 5284/2009 vide order dated 04.05.2010.

We see no reason to take different view in the matter in the facts and circumstances aforesaid. This Letters Patent Appeal, thus, requires no interference. It is, accordingly, dismissed as withdrawn.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

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