

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No 941 of 2006

IN

Civil Writ Jurisdiction Case No 3099 of 2005

- =====
- 1 The State of Bihar through the Secretary, Water Resources Department, Sinchai Bhawan, Patna
 - 2 The Deputy Secretary, Water Resources Department, Sinchai Bhawan, Patna
 - 3 The Chief Engineer, Water Resources Department, Darbhanga

.... Appellant/s

Versus

Ram Dhani Singh, son of late Janakdhari Singh, resident of Village – Karjan, PS – Athmal Gola, District - Patna

.... Respondent/s

WITH

Letters Patent Appeal No 942 of 2006

IN

Civil Writ Jurisdiction Case No. 3224 of 2005

- =====
- 1 The State of Bihar through the Secretary, Water Resources Department, Sinchai Bhawan, Patna
 - 2 The Deputy Secretary, Water Resources Department, Sinchai Bhawan, Patna
 - 3 The Chief Engineer, Water Resources Department, Samastipur
 - 4 The Superintending Engineer, Water Resources Department, Flood Control Circle, Darbhanga

.... Appellant/s

Versus

Ramapati Mallik, son of late Dukhmochan Mallik, resident of Village – Itharwa, PS – Bisfi, District - Madhubani

.... Respondent/s

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For the Appellant/s : Mr Md Anis Akhtar, AC to GA

For the Respondent/s : M/s R N Mukhopadhyay & Nazir Ansari, Advocates

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

And

HON'BLE MR JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 01-05-2015

These are appeals by the State against the judgment and order passed in *CWJC No 3099 of 2005 (Ram Dhani Singh – Versus- State of Bihar & Others)* being the judgment and order dated 23.06.2006 and *CWJC No 3224 of 2005 (Ramapati Mallik –Versus-*

State of Bihar & Others). The delay in filing the appeals is condoned. Learned counsel for the contesting respondents, who were the writ petitioners, submits that he has no instructions in the matter. Heard the parties.

2 The learned Single Judge has allowed both the writ petitions basing his judgment in the case of *Maheshwar Jha –Versus State of Bihar & Others* (CWJC No 5254 of 2004). Learned counsel for the State points out that the aforesaid judgment of this Court in the said writ petition was set aside in *LPA No 242 of 2006* and analogous cases decided on 23rd of December, 2009 by a Division Bench of this Court. He further brings to the notice of this Court that in the case of *Durganand Jha & Others –Versus- State of Bihar & Others* and analogous cases being judgment of Full Bench since reported in 2007 (4) *PLJR* 259, the proposition of law, as canvassed before the learned Single Judge, was specifically overruled. The inevitable consequence would be that these appeals have to be allowed and the judgment and order passed by the learned Single Judge in the writ petitions are set aside as also the writ petitions are ordered to be dismissed.

3 The appeals are, accordingly, allowed.

(Navaniti Prasad Singh, J)

(Rajendra Kumar Mishra, J)

M.E.H./-

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