

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7799 of 2009

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M/s Adam Media & Recreation Private Limited, 202, Atul Vilas Kunj,
P.O.- Kidwaipuri, P.S.- Buddha Colony, Town & District- Patna through its
Director, Sanjeev Kumar, Son of Shri Anil Kumar Srivastava, Resident of
304/A Jeet Enclave Shiva Puri, P.O. & P.S.- Sastrinagar, Patna 23

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar,
Old Secretariat, Patna.
2. The Principal Secretary, Urban Development & Housing Department,
Government of Bihar, Vikas Bhawan, Patna.
3. The Director, Bihar Urban Development Agency, Urban Development
& Housing Department, Bihar, Vikas Bhawan, Patna
4. The Municipal Commissioner-cum-Chief Executive Officer, Patna
Municipal Corporation, Buddha Marg, Patna.
5. The District Magistrate, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi, Advocate.

For the Respondent/s : Mr. (SC-17)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

3 29-01-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

2. No one appears on behalf of the Patna Municipal
Corporation representing the interest of the respondent no. 4, the
Municipal Commissioner.

3. When, this writ application was filed on 09.07.2009,
the prayer made by the petitioner reads as follows:

*"1.(i) For quashing of the advertisement as published in
the Hindi Daily "Hindustan" dated 01.06.2009, as issued by
the respondent no. 3 inviting expression of interest for
development and maintenance of Bus Stops on private-public
partnership basis in Patna Town in view of commercial
display on such Bus Stops for operation and maintenance for
the contract period of five years.*

(ii) For a declaration that the respondent Patna Municipal Corporation or the Bihar Urban Development Agency cannot take away the subsisting right of the petitioner who was assigned the job of construction and maintenance of Bus Stops at its own cost under the private-public partnership mode.

(iii) For a direction to the respondent authorities that the orders given to the petitioner by the Beautification Cell, headed by the District Magistrate, Patna, further adopted by the Patna Municipal Corporation, cannot be interfered with during the subsistence period of the contract; and for any other relief or reliefs for which the petitioner is entitled."

4. As a matter of fact, considering the submission of learned counsel for the petitioner, this Court on 10.07.2009, while issuing notice to respondent no. 3 and directing the Corporation to file its affidavit, had passed interim order which reads as follows:

"In the mean time no further action shall be taken with regard to Annexure-7 vis-à-vis work allotted to the petitioner in respect of construction of bus passenger's shelter."

5. After service of notice on respondent no. 3, when this case has been listed for final disposal, learned counsel for the petitioner has submitted that due to efflux of time, this writ application has become infructuous. There is no opposition to such prayer by the learned counsel for the State and, of course, the learned counsel for respondent nos. 3 and 4 are not present.

6. In such a situation, while this Court will have no difficulty in accepting the submission of learned counsel for the petitioner and consequently, dismissing this writ application as having become infructuous, it must be made clear that the interim order passed by this Court on 10.07.2009, as quoted above, shall

also stand vacated.

7. With the aforementioned observation, this writ application is accordingly, dismissed.

8. Let a copy of this order be sent to both the respondent nos. 3 and 4 for information and needful necessary action.

(Mihir Kumar Jha, J)

Sujit/-

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