

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No 1495 of 2014

In

Civil Writ Jurisdiction Case No 1447 of 2012

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1. The Bihar State Food AND Civil Supplies Corporation Ltd, Sone Bhawan Vth floor, Birchand Patel Path, Patna, through its Managing Director.
 2. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, Vth floor, Birchand Patel Path, Patna.
 3. The Chief of Administration, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, Vth floor, Birchand Patel Path, Patna.
 4. The Chief of Procurement, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, Vth floor, Birchand Patel Path, Patna.

.... Appellant/s

Versus

1. Suresh Kumar Mallick Son of Late Chandradeo Prasad Mallick Resident of Village - Manika, P.O. - Akhtiyarpur, P.S. - Sarairanjan, District - Samastipur presently residing at Mohalla - Kasipur, Sonbarsa, P.S. AND District - Samastipur.
2. The State of Bihar through the Principal Secretary Department of food and Consumer Protection Department, Govt. of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr R S Pradhan, Sr Advocate with
Mr A N Rai, Advocate

For the Respondent/s : Mr Nityanand Mishra, Advocate

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

And

HON'BLE JUSTICE SMT NILU AGRAWAL

ORAL ORDER

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

3 02-09-2015

Learned counsel for the appellants states that against the judgment and order dated 11.04.2014 passed in CWJC No 1447 of 2012, due to inadvertence, two Letters Patent Appeals (LPAs) were filed being this LPA and LPA No 1607 of 2014. In fact, the latter was filed earlier but remained defective. The latter

has been admitted for hearing and interim stay of the judgment under appeal also granted by order dated 10.03.2015.

When the present LPA was taken up and the private contesting respondent appeared, he took an objection to the maintainability of this LPA on the ground that there cannot be two LPAs from the same order by the same party in respect of the same case.

Considering the aforesaid, learned counsel for the appellants, stating that it was a mistake, seeks leave to withdraw this LPA with a liberty to pursue LPA No 1607 of 2014. Leave is granted.

This LPA is dismissed as withdrawn.

(Navaniti Prasad Singh, J)

M.E.H./-

(Nilu Agrawal, J)

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