

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17734 of 2015

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Imran Khan, Son of Abdul Hameed Khan, resident of Mohalla - Purani
Gudri, Ward No. 10, P.S. Bettiah, Town, District - West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Department of Urban & Housing Development, Government of Bihar, Patna.
2. District Magistrate, Bettiah, West Champaran.
3. Executive Officer, Bettiah Municipal Council, Bettiah, West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Sinha Mr. Ashok Kumar Gupta
For the Respondent-State	:	Mr. Kumar Pankaj, AC to SC-21
For the respondent-Nagar Parishad:	:	Mr. Dhananjay Kumar No.2

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 24-11-2015 Heard the parties.

The petitioner seeks appropriate direction to the authorities of the Municipal Council, Bettiah in tune with the directions passed by this Court in the order passed in CWJC No.8789 of 2015 (Mohd. Raja Hussain @ Raja Hussain vs. State) as contained in Annexure-9).

In the first blush the prayer made by the petitioner looked rather innocuous and acceptable until Mr. Dhananjay Kumar, learned counsel appearing for the Municipal Council, Bettiah invited the attention of this Court to an order passed by a coordinate Bench of this Court on a writ petition filed by this petitioner arising from CWJC No.9385 of 2015 in which the



very letter bearing no.369 dated 16.5.2015 was put to challenge and a Bench of this Court while accepting the prayer of the petitioner issued direction to the Municipality to proportionately reduce the bid amount on pro-rata basis and refund the excess amount realized from the petitioner. This order was passed on 27.7.2015. The said very letter dated 16.5.2015 was also addressed to one Raja Hussain apart from the petitioner who approached this Court questioning the same order in CWJC No.8789 of 2015 and this Court upon consideration of the issues has quashed that order bearing No.369 dated 16.5.2015 requiring the Municipality to perform their part of obligation in the contract in question. With reference to the said orders it is contended by Mr. Dhananjay Kumar that the order passed by the coordinate Bench of this Court on the same very issue arising from CWJC No.9385 of 2015 attaches finality to the claim raised by this petitioner.

The argument advanced by Mr. Dhananjay Kumar, learned counsel appearing for the Municipal Council bears substance and has to be upheld. The order dated 16.5.2015 was questioned before this Court in CWJC No.8789 of 2015 and CWJC No.9385 of 2015 by one Raja Hussain and this petitioner respectively and distinct reliefs was granted to the writ

petitioners. The orders passed in the respective writ petitions bind the parties and have attained finality. The petitioner thus having obtained an order from a coordinate Bench on the issue he cannot be permitted to seek a modification or a review thereof by relying upon the order passed in CWJC No.8789 of 2015.

Should the petitioner seek a modification of his relief in different terms, the remedy for the petitioner would lie before the same very Bench which passed the order in CWJC No.9385 of 2015 but in any circumstances the writ petition before this Court for the purpose is held not maintainable and is disposed of as such.

(Jyoti Saran, J)

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