

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1016 of 2016

IN

Civil Writ Jurisdiction Case No. 12992 of 2015

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Mohammad Irfan, Son of Md. Ismail resident of village - Sunpatha, P.O. Mursadpur, P.S. Lokhi, Block - Lokhi, District - Madhubani

.... Appellant

Versus

1. The State of Bihar through D.M. Madhubani
2. D.C.O. Madhubani, District – Co-operative Officer, Madhubani
3. Sub-Divisional officer, Phulparas, District - Madhubani
4. Circle officer, Laukhi, District - Madhubani
5. Block Co-operative Extension Officer, Laukhi, District - Madhubani
6. Officer - In - Charge, Laukhi Police Station, District - Madhubani

.... Respondents

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Appearance:

For the Appellant : Mr. Md. Shahnawaz Ali, Advocate
Mr. Arun Kumar Tripathi, Advocate

For the Respondents : Mr. Rajesh Kumar, AC to GP 3

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 28-11-2016

Heard learned counsel for the appellant and learned counsel for the respondents.

2. The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench on 29th of February, 2016 in CWJC No. 12992 of 2015 whereby the writ application filed by the appellant to complete the construction work of godown cum rice mill remained unsuccessful.

3. On 26th of June, 2013 the office of District Co-operative



Officer, Madhubani granted contract to Jhahuri Primary Agriculture Credit Co-operative Society (for short “the Society) for construction of 1000 M.T. capacity godown and sanctioned budget for it also. Subsequently on 23rd of November, 2013, an instalment out of the budget sanctioned was allowed.

4. The grievance of the appellant is that he is executing the contract of raising of construction of godown, whereas vide order dated 30th of May, 2014 he has not been permitted to raise the construction and therefore, he has the right to complete the construction.

5. The learned Single Bench dismissed the writ application inter alia, on the ground that the appellant was making the construction as the Chairman of the Society and the work would be carried on by the incumbent holding the post presently. Since he has been defeated in the election as the Chairman of the Society, therefore, he could not seek any right on that ground.

6. We do not find any merit in the present Letters Patent Appeal. The contract was awarded to the Society and the budget was also sanctioned for the said purpose. Therefore, if the appellant was once an office bearer of the Society will not entitle him to complete the construction as the contract was to be executed by the Society and not by an individual.

7. Therefore, we do not find any ground to interfere with the order passed by the learned Single Bench and the Letters Patent Appeal is accordingly dismissed.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

Chandran/Ibrar

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