

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.398 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 2823 of 2013**

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Kanta Prasad Singh, Son of Late Laxmi Narayan Singh, resident of village + P.O.-
Maura, P.S.- Gidhaur, District - Jamui.

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary, Minor Water Resources Department, Govt. of Bihar, Vikas Bhawan, New Secretariat, Patna.
 2. The Engineer-in-Chief, Minor Water Resources Department, Government of Bihar, Vikas Bhawan, New Secretariat, Patna.
 3. The Chief Engineer, Minor Water Resources Department, Government of Bihar, Minor Irrigation Region, Bhagalpur.
 4. The Superintending Engineer, Minor Water Resources Department Govt. of Bihar, Minor Irrigation Circle, Bhagalpur.
 5. The Executive Engineer, Minor Irrigation Division, Minor Water Resources Department Govt. of Bihar, Jhajha, District - Jamui.
 6. The Director Land Acquisition Department, Govt. of Bihar, Patna.
 7. The District Magistrate, Jamui, District - Jamui.
 8. The Deputy Development Commissioner, Jamui, District - Jamui.
 9. The District Land Acquisition Officer, Jamui, District - Jamui.
 10. Naresh Yadav, Son of Late Bhuneshwar Yadav.
 11. Saryug Yadav, Son of Late Pairu Yadav.
 12. Sikandar Yadav, Son of Sri Pyare Yadav.
 13. Kailash Yadav, Son of Late Jagarnath Yadav.
 14. Dinesh Yadav, Son of Late Yamuna Yadav.
 15. Chandu Yadav, Son of Late Devi Yadav.
1. All are residents of village - Machchindra, P.O.- Keshopur, P.S.- Jhajha, District - Jamui.

.... Respondents

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Appearance :

For the Appellant : Mr. Rajesh Kumar Sinha, Advocate.
For the State : Mr. Alok Ranjan, A.C. to G.A. 13.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 11-05-2016

Re.: I.A. No. 1896 of 2015

The challenge in the present Letters Patent Appeal is



to an order passed by the learned Single Bench of this Court on 4th of July, 2013 in C.W.J.C. No. 2823 of 2013, whereby the tender given by advertisement dated 5th of December, 2012 was found to be in respect of a land over which State may not have any control. In view of the said fact, the writ application was allowed and the State was restrained from disturbing the right and possession of the writ petitioners over the land in question except in accordance with law.

2. The present appellant is a tenderer of the works allotted to him in pursuance of advertisement dated 05.12.2012. The appellant has sought to file appeal against an order passed on the ground that his interests are affected adversely and that without hearing him such an order could not have been passed.

3. We do not find any merit in the argument raised. The appellant is a tenderer in respect to an advertisement published by the State. He is deriving interest through the State. Once State was party and has suffered an order, the appellant being a tenderer has no independent right to claim interest in the execution of the contract in respect to a tender submitted by him. His rights are not greater than that of the State who was a party respondent in the writ application.

4. In view thereof, we do not find that the application filed by the applicant for permission to file an appeal against an order passed by the learned Single Bench merits acceptance.

5. In view thereof, I.A. No. 1896 of 2015 is found to be without valid ground. It is, thus, dismissed.

Re.: L.P.A. No. 398 of 2015

Consequent to the orders above, the Letters Patent Appeal is dismissed as not maintainable at the instance of the appellant.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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