

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.98 of 2015

In

Civil Writ Jurisdiction Case No. 12278 of 2014

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Anil Kumar Singh Son of Late Ram Pawitra Singh Resident of Rajpati Apartment, Flat No. 302, A Block, Ashiyana Road, Magistrate, Coloney, P.S- Rajiv Nagar, District- Patna.

.... Petitioner/s

Versus

1. The Chief Engineer Building Construction Department, Bihar, Patna.
2. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Building Construction Department, Bihar, Patna.
4. The Director General of the Vigilance Investigation Bureau, Bihar, Patna.
5. The Engineer- in- chief, Building Construction Department, Bihar, Patna.
6. The Superintendent Engineer Building Construction Department, Bihar, Patna
7. The Executive Engineer Building Construction Department, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.M. Shabbir Alam
Mr. Raj Kumar

For the Respondent/s : Mr. Ajay Kumar Sharma, A.C. to PAAG

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

3 11-05-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The civil review application has been filed for review of the order dated 09.02.2015 passed by this Court in a public interest litigation, being C.W.J.C. No.12278 of 2014.

By the said order, this Court after holding that it was convinced that the petitioner misused the facility of public interest

litigation dismissed the writ petition imposing cost of Rs.50,000/-.

Learned counsel for the petitioner has sought to vehemently argue that the petitioner was essentially fighting the litigation in public interest, as he ceased to be a registered government contractor since 2008 itself and has not got his licence renewed. That has been stated to be the main ground for filing the present review application.

From Annexure-4 series to the writ petition itself, it is evident that the petitioner has filed a number of applications, informatory petitions, complaint cases, etc., in which he has referred to himself as a contractor. In fact, he has filed Complaint Case No.7 of 2014 on 16.06.2014 and in the very first page of the complaint, he has stated that he is a registered government contractor with the Building Construction Department since last several years.

The writ petition itself was affidavited on 16.7.2014 and filed on 17.7.2014, i.e., exactly a month after the filing of the complaint petition.

Thus, the submission of learned counsel for the petitioner that the writ petition was dismissed on wrong presumption that the petitioner was a contractor of Building Construction Department is completely rebutted by the petitioner

from his own stand as taken in the writ petition through his Annexures.

This Court, while dismissing the writ petition under public interest litigation, has also referred to Annexure-C series brought on the record by the State-respondents in relation to contracts awarded to the petitioner for different works and the arbitration proceedings which he had taken in the matter, as a result of which, this Court came to the conclusion that it was convinced that the petitioner had misused the facility of public interest litigation.

Thus, we do not find any reason to review the order dated 09.02.2015 passed in C.W.J.C. No.12278 of 2014.

The review application is, accordingly, dismissed.

(Ramesh Kumar Datta, J)

V.P.Sinha/-

(Vikash Jain, J)

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