

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.104 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 601 of 2012**

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Hare Ram Sahni, aged 66 years, Son of Late Dular Chand Sahani, Resident of
Village- Dulaur, P.O.- Pirapur, P.S.- Jandaha, District- Vaishali

.... Appellant

Versus

1. The Union of India through the Principal Secretary, Food and Civil Supply,
Govt. of India, New Delhi
2. The State of Bihar through the Chief Secretary, Govt. of Bihar
3. The Food Corporation of India, Govt. of India
4. The District Magistrate, Samastipur
5. The Senior Regional Manager, Food Corporation of India, Regional Office-
Arunachal Bhawan, Exhibition Road, Patna
6. The Food Corporation of India, Office of General Manager (Region), West
Bengal Region- 6, Royal Street, Kolkata- 700 016
7. The Regional Manager, Food Corporation of India, Regional Office, Arunachal
Bhavan, Patna
8. The Divisional Manager, Food Corporation of India, Kashipur, Samastipur
9. The Director of Rationing, Govt. of West Bengal

.... Respondents

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Appearance :

For the Appellant : Mr. Vikas Mohan, Advocate.

For the Respondents : Mr. Prabhakar Tekriwal, Advocate.

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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: 21-04-2016

I.A. No. 423 of 2014

The application is for condonation of delay of 258 days in filing the Letters Patent Appeal.

2. For the reasons mentioned in the Interlocutory Application, we are satisfied that the appellant has shown sufficient cause to seek condonation of delay of 258 days in filing the present Letters Patent Appeal.

3. Consequently, Interlocutory Application No. 423 of 2014 is allowed and delay of 258 days in filing the Letters Patent Appeal is condoned.

L.P.A. No. 104 of 2014

Heard learned counsel for the appellant and the respondents.

2. The present Letters Patent Appeal is directed against an order passed by a Single Bench of this Court on 3rd of April, 2012 in C.W.J.C. No. 601 of 2012 with consent of the learned counsel for the parties.

3. We do not find that such an appeal is maintainable. Having consented to pass a particular order, the appellant cannot be permitted to dispute the same by way of Letters Patent Appeal.

4. In view of the said fact, the learned counsel for the appellant, at this stage, wishes to withdraw the present Letters Patent

Appeal with liberty to seek review of the order passed.

5. The Letters Patent Appeal is thus dismissed as withdrawn with the liberty aforesaid. However, grant of liberty shall not be considered as an expression of opinion on the merits of the case. As and when the appellant files review application, same shall be considered in accordance with law.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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