

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4551 of 2012

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1. Bijay Shankar S/O Late Ramswarath Sah
2. Indrajeet Kumar @ Sonu Kumar S/O Bijay Shankar, both are Resident of Hospital Road, Arrah., Dist. Bhojpur, Arrah.

.... Petitioners

Versus

1. The East Central Railways through its General Manager, Hajipur, Vaishali.
2. The Controller of Stores, East Central Railway, Samastipur.
3. The Chief Material Manager, East Central Railway, Hajipur at Vaishali .
4. Sr. Divisionl Engineer, Finance Manager (Co-Ord), East Central Railway, Mughalsarai.
5. The Dy. Chief Material Manager (Depot), Samastipur.

.... Respondents

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Appearance:

For the Petitioners : Dr. Uma Shankar Prasad, Sr. Advocate
Ms. Meera Kumari, Advocate
For the Respondents : Mr. Anil Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 25-07-2016

Heard learned Senior Counsel for the petitioners and learned counsel for the respondents.

2. The present writ petition has been filed for quashing letter No. 70/sale/Nilami/130 dated 20.04.2010 (Annexure-8) issued from the office of Dy. Chief Material Manager (Depot), Samastipur (Respondent No. 5) whereby and whereunder he has extended the time for lifting the goods auctioned on 12.08.2009 for lot No. 70/2009/MGS/Gaya/012 with ground rent at the rate of interest 14.75% with certain terms and conditions; and for connected reliefs.

3. At the very outset learned counsel for the respondents raises a preliminary objection on the ground that the writ petition having been filed at the instance of the petitioners who are said to be

the holders of Powers of Attorney on behalf of the auction purchaser is not maintainable, more so, when the petitioners have merely been authorized to receive the dues, goods and articles from the Controller of Stores, East Central Railway purchased by the auction purchaser in the auction sale in terms of the Powers of Attorney.

4. Learned Senior Counsel appearing on behalf of the petitioner is unable to controvert the above facts but, however, invites attention to I.A. No. 2073 of 2016 for impleading the auction purchaser as petitioner no. 3 in the writ petition.

5. Considering the stand of the respective parties, this Court is of the view that the writ petition is not maintainable at the instance of the holders of Powers of Attorney and I.A. No. 2073 of 2016 is not fit to be allowed for impleading the auction purchaser as petitioner in the present writ petition.

6. The writ petition along with I.A. No. 2073 of 2016 accordingly stands dismissed. It is however made clear that the auction purchaser shall be at liberty to approach this Court with a duly constituted writ petition, if so advised.

(Vikash Jain, J)

Chandran

AFR/NAFR	NAFR
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