

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1198 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 5667 of 2015
Alongwith
Interlocutory Application No. 6230 of 2016**

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M/s Amitabh Constructions Pvt. Ltd., P.O: Koderma, District: Koderma (Jharkhand) through its Attorney namely Abhimanyu Prasad Singh, son of Late Tarni Prasad Singh, resident of Village: Malhipur, P.O: Saligrami, District: Begusarai.

.... Appellant

Versus

1. The Union of India through the General Manager, East Central Railway, Hajipur, P.O. & P.S: Hajipur, District: Vaishali.
2. The Chief Administrative Officer Construction, East Central Railway, Hajipur.
3. The Chief Administrative Officer Construction, East Central Railway, North, Mahendrughat, Patna.
4. The Chief Engineer, Construction (North), East Central Railway, Mahendrughat, Patna.
5. The Deputy Chief Engineer (Construction)-I, East Central Railway, Samastipur.
6. The D.G.M. Law, North East Central, Railway, Mahendrughat, Patna.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Pankaj Kumar Jha, Advocate.

For the Respondent/s : Mr. Anil Kumar Sinha, Advocate.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 22-03-2017

Re.: Interlocutory Application No. 6230 of 2016.

The delay in filing of the Letters Patent Appeal is condoned. The Interlocutory Application is allowed.

Re. : Letters Patent Appeal No. 1198 of 2016.

Having perused the order passed by the learned



Writ Court on 20.08.2015 we find that the learned Writ Court has rightly refused to exercise its jurisdiction under Article 226 of the Constitution in a matter pertaining to contract between the appellant and the respondent-Railways arising out of an agreement. Learned Writ Court has refused to interfere in the matter on account of alternative remedy available to the appellant under the agreement. In doing so, no error has been committed by the learned Writ Court warranting consideration.

The appeal is dismissed.

(Rajendra Menon,CJ)

U.K./-

(Sudhir Singh, J)

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