

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1441 of 2014
IN
Civil Writ Jurisdiction Case No. 4474 of 2012

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Ashraf Khan S/o Late Ramzan Khan, R/O Mohalla - Kachi Sarai, P.S.-
Mithanpura District - Muzaffarpur

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary cum Commissioner, Department of Health, Government of Bihar, Patna
1. 2. The State Health Society, a Society Registered under the Society Registration Act, 1860 having its registered office of Pariwar Kalyan Bhawan, Sheikhpura, Patna through its Executive Director
2. The District Health Society through its District Magistrate cum Chairman, Muzaffarpur
3. The District Health Society through its Civil Surgeon cum Secretary, Muzaffarpur
4. The District Health Society through its District Magistrate cum Chairman, Motihari (West Champaran)
5. The District Health Society through its Civil Surgeon cum Secretary, Motihari (East Champaran)
6. The Development Commissioner cum Sole Arbitrator, Government of Bihar, Patna
7. 8. M/s Softlinne Media Ltd. New Delhi, a Company Registered under the Companies Act, having its Registrered Office of 38, Rani Jhansi Road, Post Box 5711, New Delhi - 110055 through its Managing Director Rakesh Gupta S/o Sri Ishwar Chand Gupta, R/o- 38, Rani Jhansi Road, Post Box- 5711, New Delhi- 110055

.... Respondents

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Appearance :

For the Appellant	:	Mr. Shailesh Kumar, Advocate
		Mr. Gautam Kejriwal, Advocate
For the State	:	Mr. Jitendra Kumar, Advocate
For the State Health Society, Resp. No. 2	:	Mr. K.K. Sinha, Advicate
		Mr. Shashi Shekhar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 02-05-2017

Heard learned counsel for the appellant,

learned counsel for the respondents and learned counsel

for the State.



The refusal of the learned Single Judge to show any indulgence to the appellant in a contractual matter, which, in no way bound either the State Health Society, or, the State, because the appellant claimed that he was a sub-lessee of respondent no. 8, was a good ground for the learned Single Judge to dismiss the writ application.

Looking at the nature of dispute and no obligation created, in terms of the original agreement entered by the State Health Society and respondent no. 8 and not this appellant, if there was some kind of agreement between the appellant and respondent no. 8, and if there is a breach thereof, he may seek remedy and relief against respondent no. 8, which learned Single Judge anyway has permitted. In the garb of trying to settle the private dispute between the appellant and private respondent, the State Health Society or the State cannot be dragged into the controversy.

Thus, we find no merit in this appeal. It is dismissed, accordingly.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

Rajeev/AFR

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