

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.574 of 2016
Arising out of
Miscellaneous Jurisdiction Case No. 1053 of 2014**

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Nithuri Prasad, Son of Late Hardeo, resident of Mohalla/ Village- Bakar, P.S.
Gagaha, P.O- Balkar, District- Gorakhpur (U.P.)

.... Appellant/s

Versus

1. The State of Bihar, through the Principal Secretary, Urban Development Department, Government of Bihar, Patna.
2. Mr. Kuldeep Narayan Commissioner, Patna Municipal Corporation, Patna.
3. Mr. S.K. Ray, the Chief Account Officer, Patna Municipal Corporation, Patna.

.... Respondent/s

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Appearance:

For the Appellant/s : Mr. Shahabuddin Azeem @ S. Azeem

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 06-04-2017

This appeal has been filed under Clause X of Letters Patent challenging an order dated 29.04.2015 passed by the writ court in MJC No. 1053 of 2014.

It is stated that MJC No. 1053 of 2014 was a contempt proceeding initiated under Section 12 of the Contempt of Court Act read with Article 215 of the Constitution and the order passed is in exercise of the power under its provisions.

Once the order has been passed by the learned Single Bench in MJC No. 1053 of 2014 exercising its power under Article



215 of the Constitution of India read with Section 12 of the Contempt of Court Act, this appeal under Clause X of the Letters Patent is not maintainable as Clause X of the Letters Patent is maintainable only if it is challenged against the jurisdiction exercised under Article 226 of the Constitution of India.

This having not been done in the instant case, the present appeal is not maintainable and, accordingly, the same is dismissed. The appellant shall be at liberty to avail such remedy as may be available to him in accordance with law.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Mishra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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