

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1158 of 2013
IN
Civil Writ Jurisdiction Case No. 7219 of 2012

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D.A.V. Public School, Anisabad through its Principal Sadhana Bhardwaj W/O
Suresh Kumar Bhardwaj Resident of 29, Harding Road, P.S. Sachivalaya, Town &
District – Patna.

.... Appellant

Versus

1. Daya Shankar Singh S/O Late Ram Sarikhan Singh Resident Of C/100,
Aarakshi Karamcharigan Sahkari Grih Nirman Samiti Ltd., Anisabad (Police
Colony), P.S. Gardanibagh, District - Patna
2. Kamal Kumar Singh S/O Late Ramadhar Singh Resident Of D/107, Aarakshi
Karamcharigan Sahkari Grih Nirman Samiti Ltd., Anisabad (Police Colony),
P.S. Gardanibagh, District – Patna
3. Kamdeo Prasad Sharma S/O Late Ramchandra Singh Resident Of C/101,
Aarakshi Karamcharigan Sahkari Grih Nirman Samiti Ltd., Anisabad (Police
Colony), P.S. Gardanibagh, District - Patna
4. Binodanand Jha S/O Late Sheo Nandan Jha Resident Of C/89, Aarakshi
Karamcharigan Sahkari Grih Nirman Samiti Ltd., Anisabad (Police Colony),
P.S. Gardanibagh, District - Patna
5. The State of Bihar through the Principal Secretary, Urban Development
Department, Govt. Of Bihar, Vikash Bhawan, Patna
6. Director, Urban Development Department, Govt. Of Bihar, Vikash Bhawan,
Patna
7. District Magistrate, Patna
8. Registrar, Co - Operative Societies, Vikash Bhawan, Patna
9. Municipal Commissioner, Patna Municipal Corporation, Maurya Lok, Patna
10. Bihar Urban Infrastructure Development Corporationn Ltd., (Buidco), Maurya
Tower, Patna
11. Aarakshi Karamcharigan Sahkari Grih Nirman Samiti Ltd., Anisabad (Police
Colony), Patna Through President Of The Societies
12. Secretary, Aarakshi Karamcharigan Sahkari Grih Nirman Samiti Ltd.,
Anisabad (Police Colony), Patna
13. Senior Superintendent Of Poice, Patna
14. S.H.O., Gardanibagh P.S., District - Patna

.... Respondents

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Appearance :

For the Appellant	:	Mr. Vindkeshri Kumar Singh, Sr. Advocate Mr. Madhu Prasun, Advocate Mr. Pratyush Kumar, Advocate
For the State	:	Mr. Sudhanshu Shekhar, AC to SC24
For PMC	:	Mr. Sanjay Prakah Verma, Advocate
For Res. Nos.1 to 3	:	Mr. Vikas Kumar, Advocate
For Res. No.4	:	Mr. Deepak Kumar Sinha, Advocate
For Res. No.10	:	Mr. Ravindra Priyadarshi, Advocate
For Res. Nos.11 & 12	:	Mr. P.K. Shahi, Senior Advocate Mr. Sheo Dayal Ray, 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: 02-02-2017



Heard counsel for the appellant and counsel for the respondents.

2. The grievance of the learned senior counsel for the appellant that there could be some mischief in obtaining the order impugned without making the appellant as a party could have some merit but, what is done cannot be undone through this process of appeal. Construction of a park has already been made in terms of the direction dated 10.05.2013, passed in CWJC No.7219 of 2012. However, the Court is of the opinion that the enforcement of an agreement, which is Annexure-2 to the memo of appeal, cannot be made through this mechanism and, therefore, the Court is disinclined to interfere with the order contained in Annexure-1.

3. Dismissal of the appeal however, will not come in the way of invoking the appropriate Court or forum for setting up of the school, if some right flows from Annexure-2 in favour of the appellant.

4. Appeal is otherwise dismissed.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
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