

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14269 of 2010

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Suresh Chandra Giri S/O Late Ram Pukar Giri R/O Vill.- Shishwa, P.O.-
Kerewa, P.S.- Ishuapur, Distt.- Chapra

.... Petitioner

Versus

1. The State of Bihar
2. The Superintending Engineer, Minor Irrigation Anchal, Muzaffarpur
3. The Executive Engineer, Minor Irrigation Division, Hajipur, P.O. & P.S.- Hajipur, Distt.- Vaishali
4. The Assistant Engineer, Minor Irrigation Division-2, Hajipur, P.O. & P.S.- Hajipur, Distt.- Vaishali
5. The Junior Engineer, Minor Irrigation Division No.2, Hajipur, P.O. & P.S.- Hajipur, Distt.- Vaishali

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Kapil Deo Singh I

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 04-05-2017

Heard learned counsel for the petitioner.

The petitioner has approached this Court with a prayer for quash an order dated 17.04.2008, contained in Memo No.297 dated 17.04.2008, Annexure-2 to the writ petition.

On perusal of Annexure-3 to the writ petition, it appears that the petitioner had earlier filed a writ petition vide C.W.J.C.No. 1837 of 2008, which, on examination of the counter affidavit, was dismissed as withdrawn.

Learned counsel for the petitioner accepts that for the same relief, earlier writ petition was filed, but since the writ petition was not decided on merit, the principle of *res judicata* will



not be applicable. However, the Court is of the opinion that since after noticing the counter affidavit, the writ petition was earlier dismissed as withdrawn, there is no reason to further entertain the present petition.

The writ petition stands dismissed.

(Rakesh Kumar, J)

NKS/-

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