

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1905 of 2016

In
Civil Writ Jurisdiction Case No.5400 of 2015

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Birendra Kumar S/o - Late Raj Kumar Purbey resident of : - 69, MIG,
Hanuman Nagar, Patna - 800020.

... .. Appellant

Versus

1. The State of Bihar through Secretary, Urban Development and Housing Department, 1st Floor, Vikas Bhawan, New Secretariat, Patna - 15.
2. Project Director, Support Programme for Urban Reforms in Bihar (SPUR), Bihar through Secretary, Urban Development and Housing Department, 1st Floor, Vikas Bhawan, New Secretariat, Patna - 15.
3. Additional Project Director, Support Programme for Urban Reforms in Bihar (SPUR), Bihar through Secretary, Urban Development and Housing Department, 1st Floor, Vikas Bhawan, New Secretariat, Patna - 15.
4. Team Leader, UTA ST (Urban Technical Assistance and Support Team), SPUR through Secretary, Urban Development and Housing Department, 1st Floor, Vikas Bhawan, New Secretariat, Patna - 15.
5. M/S Ekta Manch, Besides Pranjal Apartment, West Boring Canal Road, Patna - 01.
6. Chairman, M/S Ekta Manch, Besides Pranjal Apartment, West Boring Canal Road, Patna - 01.
7. Department of International Development (DFID) UK through Secretary, Urban Development and Housing Department, 1st Floor, Vikas Bhawan, New Secretariat, Patna - 15.
8. The Chief Executive Officer, Khagaul Nagar Parishad, Khagaul, Patna.

... .. Respondents

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Appearance :

For the Appellant/s : Mr. Bishwa Bibhuti Kumar Singh
For the Respondent/s : Mr. YOGENDRA PRASAD SINHA-AAG7

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

4 14-12-2017 There is a delay of one year and 11 days in preferring the appeal. In the normal course, the Court could have considered condoning the delay and allowing I.A. No. 7978 of 2016 provided there was certain serious infirmity emerging from the order of the learned single Judge against which the appeal has



been preferred.

Vide order dated 08.04.2015, the writ application was dismissed on the ground because relief was being sought against a N.G.O. known as Ekta Munch. The learned single Judge did make an effort to find out whether the Ekta Munch fell within the definition clause of 'State' under Article 12 of the Constitution of India.

In absence of any material evidence even appearing before the appellate Bench, the dismissal of the writ application cannot be said to be erroneous because prerogative writ cannot issue against individuals.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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