

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1598 of 2015
IN
Civil Writ Jurisdiction Case No. 2233 of 2011**

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Mrs. Anguri Praveen @ Angoori Pravin, wife of Md. Shahjahan Naddaf, resident of Village-Simaria, Police Station- Kashwa, District- Purnea (Bihar).

.... Respondent no.5 Appellant/s

Versus

1. Sakendra Singh Dhrub, son of Late Harish Chandra Singh, resident of Village-Hasanpur, Police Station- Hasanpur, District- Samastipur.
..... Petitioner- Respondent 1st Set.
2. The Hindustan Petroleum Corporation Limited through its Chairman, 17 Jamshedji Tata Road, District- Mumbai.
3. The Chairman, Hindustan Petroleum Corporation Limited, 17 Jamshedji Tata Road, District- Mumbai.
4. The Divisional General Manager, East Zone, Hindustan Petroleum Corporation Limited, 10 Industries House, Camac Street, Kolkata.
5. The Regional Manager, Hindustan Petroleum Corporation Limited, Patna L.P.G. Region, 6th Floor, Lok Nayak Jai Prakash Bhawan, Dak Bunglow Chowk, Patna.

.... Respondent nos.1 to 4 Respondent 2nd Set.

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Appearance :

For the Appellant/s : Mr. Y.V. Giri, Sr. Advocate with
Mr. Raju Giri, Adv.
For the Respondent No.1 : Mr. Bindhyachal Singh, Adv.
Mr. Satya Prakash, Adv.
Ms. Smriti Singh, Adv.
For the Respondent-HPCL : Mr. Nazi Alam, Adv.

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date: 21-03-2018

Heard Mr. Y.V. Giri, learned senior counsel appearing for the appellant with Mr. Raju Giri, the Advocate on record, Mr. Bindhyachal Singh, learned counsel appearing for the respondent-writ petitioner and Mr. Nazir Alam, learned counsel appearing for the Hindustan Petroleum Corporation Limited (hereinafter referred to as 'the Corporation') and its officials, who are respondent nos.2 to 5 herein.



This appeal under Clause 10 of the Letters Patent of the High Court of Judicature at Patna arises from the judgment and order passed by a learned Single Judge of this Court dated 10.7.2015 in CWJC No.2233 of 2011, whereby the dealership allotted to the appellant by the respondent-Corporation has been set aside with further direction to the 'Corporation' to issue letter of intent in favour of the writ petitioner who is respondent no.1 herein.

This appeal was admitted on 15.9.2015 and while admitting the appeal notices were issued to the respondent no.1-writ petitioner who has appeared through counsel Mr. Bindhyachal Singh.

During the course of hearing that a supplementary affidavit has been filed by the respondent no.1-writ petitioner who while citing his ailments as well as advanced age as an impediment for running the LPG distributorship in question, has prayed for withdrawal of the writ petition. Paragraphs 2 to 5 of the supplementary affidavit of respondent-writ petitioner filed today runs under:

- “2. That I am 76 years old person and suffering from host of chronic diseases. I am suffering from high blood pressure, blood sugar, arthritis etc. I am not keeping good health.
3. That I am not interested in LPG Distributorship at Bhawanipur in the district of Purnea, which is in dispute in the present case. I am physically unable to carry the business of Distributorship. My children and legal heirs are also not interested in the aforesaid LPG Distributorship.
4. That it is submitted that in the aforesaid facts and circumstance I am quitting my claim of LPG Distributorship at Bhawanipur, District- Purnea.
5. That in the aforesaid facts and circumstances, I may be permitted to withdraw the writ petition.”



Learned counsel for the respondent-writ petitioner while pressing the supplementary affidavit prays for withdrawal of the writ petition.

Having heard learned counsel for the parties and taking note of the prayer of the respondent-writ petitioner who has expressed his disinclination for running the distributorship in question as also taking note of the admission order passed on 15.9.2015 whereby the operation of the judgment and order of the learned Single Judge was stayed and resultantly the respondent no.5-appellant has continued to operate the distributorship all through without any stoppage, we are inclined to accept the prayer of the respondent-writ petitioner and allow him to withdraw the writ petition. Accordingly the judgment and order dated 10.7.2015 passed in CWJC No.2233 of 2011 is set aside and CWJC No.2233 of 2011 is dismissed as withdrawn.

The interim order passed on 15.9.2015 is hereby confirmed.

The Letters Patent Appeal is disposed of accordingly.

(Jyoti Saran, J)

(Chakradhari Sharan Singh, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27-03-2018
Transmission Date	NA

