

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1160 of 2017

In
Civil Writ Jurisdiction Case No.9759 of 2016

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Siya Devi, wife of Late Dashrath Pra. Yadav @ Dashrath Prasad Yadav,
resident of Village- Kanchangadh, P.O.- Baka, P.S.- Muffasil, District-
Munger.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Commissioner, Home Department, Govt. of Bihar, Patna.
3. The Director General of Police, B.M.P., Bihar, Patna.
4. The Inspector General of Police, B.M.P., Bihar, Patna.
5. The Director, Provident Fund, Bihar, Patna.
6. The State of Jharkhand.
7. The Director General of Police, Jharkhand at Ranchi.
8. The I.G. of Police (B.M.P.), Jharkhand at Ranchi.
9. The Commandant, Jharkhand Police Force-4, Bokaro.
10. The Director, Provident Fund, Jharkhand, Ranchi.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Parmatma Singh, Advocate
For the Respondent Nos. 6-10: Mr. Nishi Nath Ojha, Advocate
For the State of Bihar : Mr. Saroj Kumar Sharma, AC to A.A.G. -3

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

7 04-10-2018 Feeling aggrieved and dissatisfied by the
impugned order passed by the Learned Single Judge
dated 07.07.2017 in C.W.J.C. No. 9759 of 2016, by
which the Learned Single Judge has disposed off the said
petition in view of the settlement of the dues and claims
of the original writ petitioner, which was emerging from
the affidavits filed on behalf of the respondents, the
original writ petitioner has preferred the present Letters



Patent Appeal under Clause X of the Letters Patent.

Learned counsel appearing on behalf of the appellant has submitted that as such there was no full and final settlement of the dues and claims of the petitioner and, therefore, the Learned Single Judge ought not to have disposed off the main writ petition.

However, from the impugned order passed by the Learned Single Judge, it does not appear that at the time when the said writ petition was disposed off on the aforesaid ground, any grievance was raised by the learned counsel appearing on behalf of the petitioner that the petition may not be disposed off, as there is no full settlement of the dues and claims of the petitioner. Even in the appeal memo also, nothing has been stated that the same was pointed out before the Learned Single Judge and still the Learned Single Judge has disposed off the petition.

Therefore, in view of the above, when the Learned Single Judge disposed off the petition considering the affidavit that there is a settlement of dues and claims of the petitioner, it cannot be said that the Learned Single Judge has committed any error.

If, at all, the original writ petitioner has any grievance that there was no full and final settlement of the dues and claims of the petitioner, the original writ



petitioner ought not to have got his case disposed off. In that case the remedies lies elsewhere.

Therefore, the present Letters Patent Appeal preferred against the impugned order is not required to be entertained on the aforesaid ground alone.

The appeal is dismissed accordingly.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

Skm / Krishna

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