

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1385 of 2017

1. Gorakh Nath Prasad
2. Ram Nath Prasad

Both son of Late Dharmnath Prasad, C/o- Life Line Jaanch Ghar, Subhash
se Dakshin, Pokhra Mohalla, Hajipur, Vaishali

... .. Appellant/s

Versus

1. East Central Railway, Hajipur through its Chief General Manager
2. Chief Administrative Officer, East Central Railway, Mahendrughat, Patna-800004
3. Divisional Railway Manager, Sonapur Division, Saran
4. The State of Bihar through the Commissioner cum Chief Secretary Health Service, Patna
5. The Collector, Saran, Chhapra
6. The Circle Officer, Sonapur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Brisketu Sharan Pandey, Advocate Mr. Prince Kumar Mishra, Advocate
For E.C. Railways	:	Mr. D.K. Sinha, Sr. Advocate
For the State	:	Mr. Khurshid Alam, AAG-12

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-01-2018

Having heard learned counsel for the parties and on consideration of the nature of dispute involved in the matter, we are of the considered view that the learned Writ Court has not committed error in relegating the appellants to take recourse to the common law remedy available by filing a suit for seeking a declaration. However, we direct that in case the appellants file a suit, as observed by the learned Writ Court, the suit shall be



decided in accordance with law within a period of six months of its presentation.

With the aforesaid, the Letters Patent Appeal stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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