

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1423 of 2017

In
Civil Writ Jurisdiction Case No.10205 of 2016

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1. Bhartiya Coal Dump Mazdoor Sangh, affiliated with Bhartiya Mazdoor Sangh through its General Secretary Shambhu Sharan Yadav address - C/o Sakhi Chandra Thakur, Village - Sundarpur, P.O. + P.S. - Pirpainty, District - Bhagalpur.
 2. Shambhu Sharan Yadav son of Sri Narayan Yadav General Secretary, Bhartiya Coal Dump Mazdoor Sangh, residing at Village - Ultapul, Sundarpur, P.O. + P.S. - Pirpainty, District - Bhagalpur.

... .. Appellant/s

Versus

1. The Union of India.
2. The Secretary, Ministry of Coal, Coal Bhawan, Delhi.
3. Coal India Ltd. through its Managing Director, Kolkata.
4. Eastern Coal Field Ltd. through its Managing Director, Address - Sanketodia, P.O. - Dishergarh, District - Burdwan.
5. Eastern Coal Field Ltd., a subsidiary of coal India Ltd. through its General Manager, Raj Mahal Area, address - Dhan Kunda, P.O. - Bara Simra, District - Godda (Jharkhand).
6. Calcutta Industrial Supply Corporation through its proprietor Narayan Prasad Agrawal, Head Office at 234/3A, AJC, Bose Road, FMC, Fourtura (3rd Floor) Units - A7, Kolkata , administrative office at 31/1 NSB Road, Raniganj - 713347.
7. BLA Project Pvt. Ltd. (formally known as Banwari Lal Agrawal Pvt. Ltd.) through Lilladhar Agrawal, registered office Indicon Viva, 3rd Floor, 53A, Lilla Roy Sarani (Darihat Road) Kolkata - 700019, Regional Office 31/1 NSB Road, Raniganj - 731147.
8. Krishna Kumar Sah son of name not known to the petitioner Partner in BLA Project Pvt. Ltd. resident of at P.O. + P.S. - Main Market Kahalgaon, District - Bhagalpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prabhat Ranjan Singh
For the Respondent/s : Mr.

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

(Per: HONOURABLE THE CHIEF JUSTICE)

6 09-10-2018 Feeling aggrieved and dissatisfied with the
impugned order, passed by the Learned Single Judge,



dated 11.05.2017, in C.W.J.C. No. 10205 of 2016, the original writ petitioners have preferred the present Letters Patent Appeal.

At the outset, it is required to be noted that by the impugned order, dated 11.05.2017, the Learned Single Judge has passed the following order:

"Learned counsel for the petitioners seeks leave to withdraw the present writ application in order to file writ application in the same subject matter before the Jharkhand High Court.

Leave is granted.

The writ application is disposed of as withdrawn."

It is the case of the learned counsel appearing on behalf of the appellants-the original writ petitioners that, as such, the learned counsel, who appeared on behalf of the original writ petitioners had only requested to pass over the matter and no leave to withdraw the writ petition was prayed and despite the same, the Learned Single Judge has dismissed the petition as withdrawn.

For the aforesaid, the remedy lies elsewhere, more particularly to approach the Learned Single Judge, who has passed the impugned order, because the Learned Single Judge can better appreciate that in what



circumstances the impugned order was passed.

On the aforesaid ground alone and with the above liberty, the present Letters Patent Appeal stands dismissed/disposed off.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

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