

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2049 of 2018
Arising out of
Civil Writ Jurisdiction Case No.12480 of 2017

1. Amit Kumar Singh Son of Late am Bachan Singh, Resident of Mohalla- Jail Road Ara, P.S.- Ara Sadar, District- Bhojpur Ara.
2. Rajesh Kumar, Son of Late Madan Prasad Gupta, Resident of Village- Daulatganj Chiktoli, P.S.- Bhagwan Bazar, District- Chapra Saran.
3. Sanju Kumari, Wief of Sanjay Prasad, Resident of Village- Rauja Khirapathi, P.S.- Chapra Nagar, District- Saran.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Smt. Sujata Chaturvedi, Department Of Finance, Main Secretariat, Patna
2. Mr. Amrit Lal Meena, Secretary Road Construction Department, Government of Bihar, Vishveshwariya Bhawan, Bailey Road, Patna
3. Mr. Rajeev Ranjan, Superintending Engineering Saran Road Circle, Road Construction Department, Hajipur
4. Mr. Raj Kumar, Executive Engineer, Road Division, Road Construction Department, Siwan (now Chapra)
5. Mr. Ashok Kumar, Executive Engineer, Road Construction Division, Vaishali (now Chapra)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kishore Kumar Thakur, Advocate
For the State : Mr. Amit Prakash, GA 13

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 25-09-2019



Heard learned counsel for the petitioners and learned GA 13 for the State.

2. On 05.09.2019, the Court had recorded the following order:

“Learned counsel for the petitioners and learned GA 13 for the State have assisted the Court.

2. Learned counsel for the State submitted that CWJC No. 12840 of 2017 was allowed in terms of order passed in CWJC No. 18433 of 2016 and analogous cases against which the State has preferred LPA No. 4008 of 2018 and analogous cases in which by order dated 05.02.2019, the writ Court order has been modified and as far as the present petitioner is concerned, the directions have been set aside.

3. Learned counsel for the petitioners submitted that against the said decision SLP has been preferred before the Hon'ble Supreme Court.

4. Learned counsel for the State submitted that he has not verified such position.

5. Accordingly, the matter be listed on 16th September, 2019, to enable learned counsel to take instructions regarding the pending SLP before the Hon'ble Supreme Court.”

3. Today, learned counsel for the State has produced order dated 12.04.2019 passed in Special Leave to Appeal (C) No (s) 8219-8226 of 2016 by which the Court while issuing notice has granted stay of recovery.

4. Be that as it may, since the order passed in favour of the petitioners has been interfered and there is no stay against the



same, the application has become infructuous and accordingly stands disposed off.

5. However, it shall be open to the petitioners to move once again before this Court, in future, if such occasion arises.

(Ahsanuddin Amanullah, J)

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