

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.761 of 2018

In
Civil Writ Jurisdiction Case No.18964 of 2017

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Mantu Kumar, Son of Late Sheo Shankar Sao, resident of Mohalla- Saidpur
Khatal Gali, P.S.- Kadamkuan and Dist.- Patna.

... .. Appellant/s

Versus

1. The Bihar State Cooperative Marketing Union Ltd., West Lawn Gandhi Maidan, Patna through its Chairman
2. The Chairman, Bihar State Co-operative Marketing Union Ltd., West Lawn Gandhi Maidan, Patna.
3. The Managing Director, Bihar State Co-operative Marketing Union Ltd. West Lawn, Gandhi Maidan, Patna
4. Chief of Account, Bihar State Co-operative Marketing Union Ltd., West of Lawn, Gandhi Maidan, Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Mohammed Abu Haidar, Advocate
For the Respondent/s : Mr.Vikas Kumar, Advocate

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

(Per: HONOURABLE THE CHIEF JUSTICE)

4 15-11-2019 Heard learned counsel for the appellant.

The learned Single Judge under the impugned order
has simply directed the listing of the case after the disposal of
the matter pending before the Apex Court.

Learned counsel submits that the pendency of the
Special Leave Petition before the Apex Court cannot be a
ground for considering the maintainability of the writ petition.

In our opinion, the very issue of maintainability of the



writ petition is involved inasmuch as this Court has held that a writ petition would be maintainable against the respondents, but the Apex Court has stayed the operation of the judgment. In the background aforesaid, the matter has to await the disposal by the Apex Court and therefore the learned Single Judge was correct in his approach in proceeding to direct the listing of the writ petition after disposal of the matter by the Apex Court.

No ground is made out, therefore, for entertaining this appeal which is consigned to records.

(Sanjay Karol, CJ)

(Dinesh Kumar Singh, J)

P.K.P./-

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