

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.692 of 2018

In
Civil Writ Jurisdiction Case No.868 of 2013

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Triveni Raut Son of late Hari Raut Resident of Mohalla- Sohjana, Near Kali Mandir, Jhajha, P.S. Jhajha, District- Jamui.

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Engineer in Chief North Department of Water Resources Irrigation Govt. of Bihar, Patna.
3. The Chief Engineer Department of Water Resources, Govt. of Bihar, Darbhanga.
4. The Superintendent Engineer Water Resources Department Irrigation Western Koshi, Canal Circle NO.2,
5. The Executive Engineer Water Resources Department Irrigation Western Koshi Canal, Division No. 2,
6. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sanjay Kumar Mishra, Adv.
For the Respondent/s : Mr.Anjani Kumar -Aag4

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 21-11-2019 The present Memo of appeal has been filed against the judgement dated 13.4.2018 passed by the learned Single Bench of this Court in C.W.J.C. No.868 of 2013 (Triveni Raut Vs. The State of Bihar & Ors.) by which the petition filed by the appellant has been dismissed both on merit as well as on the ground of non-prosecution.



Learned counsel for the respondents fairly states that the impugned order is absolutely unreasonable. How and in what manner the petitioner's case is covered by the judgement rendered by the Full Bench in the case of Durganand Jha v. State of Bihar (F.B.), reported in 2007(4) P.L.J.R. 259 cannot be inferred from the record.

As such, on this short ground alone, we set aside the impugned order dated 13.4.2018 passed in C.W.J.C. No.868 of 2013 (Triveni Raut Vs. The State of Bihar & Ors.) and the writ petition is being restored to its original position to be listed before the appropriate Bench.

(Sanjay Karol, CJ)

(Dinesh Kumar Singh, J)

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