

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1239 of 2019

In
Civil Writ Jurisdiction Case No.12193 of 2017

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Satyendra Kumar Constructions Pvt. Ltd. Hira Enclave, New Dak Bunglow Road, Patna through its Director, Deepak Kumar, aged about 38 years, Male, son of Sri Narayan Prasad, resident of Bhikhana Pahari, near Patel Hostel, P.S. Sultanganj, District Patna.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Building Construction Department, Bihar, Patna.
3. The Engineer in Chief, Building Construction Department, Bihar, Patna.
4. The Chief Engineer (South), Building Construction Department, Mechanical Division, Patna.
5. The Superintending Engineer, Building Circle, Gaya.
6. The Executive Engineer, Building Division, Nawada.
7. Bipin Kumar son of Sri Shyam Kishore Singh resident of New Area, Hanuman Nagar, P.S. Nawada Town, District- Nawada, Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Prabhat Ranjan, Adv.
For the Respondent/s : Mr.Rajballabh Prasad Yadav (AAG 11)

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

(Per: HONOURABLE THE CHIEF JUSTICE)

2 24-09-2019

I.A. No.1 of 2019

Heard Shri Prabhat Ranjan, learned counsel for the
appellant, and Shri Raj Ballabh Prasad Yadav, learned
Additional Advocate General, for the State.



The leave to appeal has been sought contending that the appellant was a proper and necessary party and without impleading him the impugned judgement has been delivered adversely affecting the rights of the applicant-appellant.

We grant leave to appeal to the appellant in light of the facts stated in support of I.A. No.1 of 2019 which stands accordingly disposed of.

L.P.A. No.1239 of 2019

On the merits of the matter, what we find is that the contention which is being raised on behalf of the appellant could have been entertained by the learned Single Judge on a proper application having been filed by the appellant and in this background, instead of entertaining this appeal on merits, we observe that it shall be open to the appellant to move before the learned Single Judge to file a proper application in accordance with law for grant of such relief or modification of the impugned judgement that may be permissible in accordance with law. The appellant shall move the application after serving a copy of the same on the writ-petitioner as well as the State of Bihar and in the event such an application is filed, it is expected that the same shall receive an early



hearing.

The appeal stands disposed.

(Amreshwar Pratap Sahi, CJ)

(Ashutosh Kumar, J)

K.C.Jha/-

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