

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.300 of 2020

In
Civil Writ Jurisdiction Case No.3963 of 2020

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1. Pankaj Kumar Singh, son of Sri Pawan Kumar Singh, resident of Village New Colony Ward No. 09 Nagar Parishad PS and District Saharsa.
 2. Raghwendra Narayan Singh, son of Sri Surendra Narayan Singh, resident of Village Teghra Ward No. 03 PS Simribakhtiyarpur, District Saharsa.
 3. Jay Baba Dalan Enterprises through its Proprietor Sri Ramesh Kumar Roy Male aged about 32 Years Son of Sri Sudarshan Roy resident of Ward No. 06 Village Baghwa PS Simribakhtiyarpur, District Saharsa.
 4. Manish Kumar, son of Sri Shyam Sundar, Singh resident of Village Rahuamani near School Ward No. 04 PS and District Saharsa.
 5. Pankaj Kumar Singh, son of Sri Mundhir Kumar Singh, resident of Kabir Chowk Radhanagar Ward No.15 PS and District Saharsa.
 6. Chandrika Prasad Sah, son of Vasudev Prasad Sah, resident of Village and PO Patarghat Ward No. 04, PS Sour Bajar District Saharsa,
 7. Sheoshakti Construction through its Proprietor Sri Sachida Nand Mishra Male aged about 57 Years Son of Sri Pitambar Mishra @ Pitamber Mishra resident of Village Gangaura PS Bihra District Saharsa.

... .. Appellant/s

Versus

1. M/s Khushee Construction through its Power of Attorney Holder namely Shree Rajeev Kumar aged about 32 Years (Male) Son of Virendra Singh resident of Village Rampur Dumra, PS Maranchi District Patna.
2. The State of Bihar through the Secretary, Public Health Engineering Department, Government of Bihar, Patna.
3. Secretary, Public Health Engineering Department, Government of Bihar, Patna.
4. Engineer-in- Chief cum Special Secretary Public Health Engineering Department, Government of Bihar, Patna.
5. The Chief Engineer (Design) Public Health Engineering Department, Govt. of Bihar, Patna.
6. The Chief Engineer (Zonal) Public Health Engineering Zone Purnea Bihar.
7. The Chief Engineer (Nationality) Public Health Engineering Department, Government of Bihar, Patna.
8. The Superintending Engineer Public Health Engineering Circle Saharsa Bihar.
9. The Executive Engineer Public Health Engineering Division Saharsa, Bihar.

... .. Respondent/s

Appearance :



For the Appellant/s : Mr.Diwakar Prasad Singh, Advocate
For the Respondent/s : Mr. S. Raza Ahmad, AAG-5

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

(Per: HONOURABLE THE CHIEF JUSTICE)

2 26-08-2021 The appellants have prayed for the following
relief/s :-

“That this memo of appeal is directed against the impugned order dated 04.06.2020 passed in I.A. No.03 of 2020 filed in C.W.J.C. No. 3963 of 2020 (M/s Khushee Construction V/s The State of Bihar and others) passed by a learned single Bench of this Hon’ble Court presided over by Hon’ble Mr. Justice Birendra Kumar to the extent its Punish the intervene petitioners for filling the Intervene application & to the extent its Directs the Seven Intervener Petitioners to Pay Rs.5000/- each to be deposited in the Victim Compensation Fund of the State Legal Services Authority within one month of the order, failing which its directs to be recovered as a fine from the intervener petitioners & further its directs that default in payment as aforesaid shall be a case of willful disobedience of order.”

The present appeal stands filed assailing the impugned order dated 04.06.2020 passed in I.A.No. 3 of 2020 in CWJC No. 3963 of 2020, titled as M/s Khushee Construction Vs. The State of Bihar & Ors.).

Vide order dated 4th June 2020, the learned Single



Judge dismissed the application finding it to be frivolous; vexatious and with the object of delaying the proceedings. Cost of Rs. 5000/- stands imposed on each one of the applicants to be deposited with the State Legal Services Authority.

Learned counsel for the appellant argues that post passing of such order, the main writ petition also stands disposed of, which order stands independently assailed by the State Government.

We find no illegality/infirmity in the impugned order. Also we find no reason, sufficient enough to interfere with the same wherein the petitioner's application for intervention stands dismissed with imposition of costs.

The impugned order cannot be said to be one falling within the ambit and scope for interference warranted by a Bench adjudicating the Letters Patent Appeal, in view of the law laid down by the Hon'ble Apex Court in the case of **(2015) 9 SCC 1, Jogendrasinhji Vijaysinghji Vs. State of Gujarat and others.**

As such, the appeal is dismissed.

However, if the appellants are aggrieved by the final order, it is open for them to assail the same in accordance with law.



We may not be misunderstood to have expressed any opinion on the petitioners’ right to file an appeal, which fact would be considered in such proceedings as and when, if any, filed by them.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit/-

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