

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9273 of 2022

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M/s Narsingh Construction Gangjala Saharsa, through its Partner Pratap Kumar Singh, aged about 47 years, Male, Son of Late Jai Mangal Singh, Resident of Shastri Nagar, Sipahi Tola, Ward No.3, P.S. K. Hat, District Purnia, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, Patna, Bihar.
2. The Engineer in Chief, Rural Works Department, Government of Bihar, Patna, Bihar.
3. The District Magistrate, District Saharsa, Bihar.
4. The Chief Engineer- 2, Rural Works Department, Government of Bihar, Patna, Bihar.
5. The Superintending Engineer, Rural Works Department, Works Division, Saharsa, District Saharsa, Bihar.
6. The Executive Engineer, Rural Works Department, Works Division, Saharsa, District Saharsa, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan, Advocate
For the Respondent/s : Mr.Ajay (GA 5)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 29-07-2022

Petitioner has prayed for the following relief(s):-

- (i) Quashing of the Letter No. 2175 ANU
dated 12.09.2020 whereby, the Executive



Engineer, Rural Works Department,
Works Division, Saharsa has requested
the District Magistrate to file a Certificate
Case in terms of Clause 52 of the SBD,
against the Petitioner.

(ii) Restrain the Respondents from giving
effect to the Letter No. 2175 ANU dated
12.09.2020 during the pendency of the
present writ petition.”

It is not in dispute that the initial impugned order
i.e. letter No. 857 dated 04.04.2020 was quashed and set aside
by this Court vide order dated 11.04.2022 (Annexure-6, page
30) in C.W.J.C. No. 17762 of 2021, titled as M/s Narsingh
Construction, Gangjala Saharsa through its Partner Vs. The
State of Bihar & Ors.

It is also not in dispute that the instant impugned
order i.e. Letter No. 2175 ANU dated 12.09.2020 is a
consequential order in terms of the said impugned order which
already stands quashed.

Learned counsel for the respondent states that the
principle of constructive res judicata would be applicable
inasmuch as the order in question stood passed as on the date of
filing of the petition, referred to supra.



Mr. Prabhat Kumar, learned counsel for the petitioner, invites attention to the averments made in the petition wherein it is recorded that the petitioner was not aware of passing of such order.

Now the said order stands communicated and served upon him. The contention opposing the petition only merits rejection.

As such, we quash the consequential order i.e. Letter No. 2175 ANU dated 12.09.2020, reserving liberty to the respondent to take fresh action in accordance with law.

Petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-DKS

AFR/NAFR	
CAV DATE	
Uploading Date	04.08.2022
Transmission Date	

