

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2096 of 2022

Arising out of

Civil Writ Jurisdiction Case No.2309 of 2021

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Shyama Buildcon Private Limited a private limited company incorporated under the provision of the Companies Act, 1956, having its principal place of business at Village and P.O. Dumduma P.S. Kudhani District Kaimur (Bhabua) through its Director Shri Bipin Ray, Male aged about 48 years approx son of Late Somnath Ray resident of village and P.O. Dumduma P.S. kudhani District Kaimur (Bhabua), (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Minor Water Resource Department, Govt. of Bihar, Patna.
2. The Principal Secretary Minor Water Resource Department, Govt. of Bihar, Patna.
3. The Chief Engineer Minor Water Resource Department, Government of Bihar, Patna.
4. The Superintending Engineer (Head Quarter) Monitoring Cell, Minor Water Resources Department, Government of Bihar, Patna.
5. The Superintending Engineer Minor Water Resource Circle, Sasaram, Bihar.
6. The Executive Engineer, Minor Water Resource Division, Bhabua (Bihar).
7. The Union of India through the Secretary, Ministry of Water Resource, New Delhi.
8. The Central Water Commission through its Chief Engineer, Lower Ganga Basin Organization, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sushil Kumar Singh, Advocate
For the State	:	Mr. Anjani Kumar, AAG 4 with Mr. Alok Kumar Rahi, AC to AAG 4
For the Union of India	:	Mr. Ram Anurag Singh, CGC

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

Date : 07-12-2022



Heard Mr. Sushil Kumar Singh, learned counsel for the petitioner; Mr. Anjani Kumar, learned Additional Advocate General 4 along with Mr. Alok Kumar Rahi, learned AC to AAG 4 for the State and Mr. Ram Anurag Singh, learned CGC for the Union of India.

2. The present application has been filed seeking recall of the order dated 27.09.2022 passed in CWJC No. 2309 of 2021 by which the writ petition was dismissed for want of prosecution.

3. Learned counsel for the petitioner submitted that he was assisting another Court when the matter was taken up and thus due to him not being able to reach in time, the writ petition stood dismissed. It was submitted that the petitioner has good case and shall suffer irreparable loss if the order is not recalled. Further, it was submitted that there is no deliberate laches on the part of the petitioner.

4. Learned counsel for the respondents oppose the prayer.

5. Having considered the submissions of learned counsel for the parties and upon going through the averments made in the application, the order dated 27.09.2022 passed in CWJC No. 2309 of 2021, stands recalled and the writ petition is restored to its original file and number.



6. The application stands disposed of.

7. This order is subject to removal of the defects by 13th December, 2022, by learned counsel for the petitioner, failing which the order shall stand recalled and the application shall be deemed to have been dismissed.

(Ahsanuddin Amanullah, J)

(Shailendra Singh, J)

Ranjeet/-

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