

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.126 of 2020

In
Civil Writ Jurisdiction Case No.23767 of 2019

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1. Nageshwar Kumar Singh @ Nageshwar Kumar Son of Mathura Singh Resident of Village-Amar Chhatauni, P.S.-Motihari Muffasil District-East Champaran.
 2. Om Prakash Ram Son of Late Jhulan Ram Resident of Mohalla-Mathiya Zirat, P.S.-Chitawani District-East Champaran.
 3. Devi Lal Ram Son of Sudekhi Ram Resident of Village-Bala Tola Dhekaha Bazar, P.S.-Motihari Muffasil, District-East Champaran.
 4. Ranjeet Kumar Son of Nand Kishore Prasad Resident of Mohalla-Koluwarba, P.S.-Motihari Town District-East Champaran.

... .. Appellants.

Versus

1. The State of Bihar.
2. The Chief Secretary, Bihar, Patna.
3. The Principal Secretary, Health Department, Bihar, Patna.
4. The Secretary Department of Personnel and Administrative Reforms, Bihar, Patna.
5. The Principal Secretary, Labour Resources Department, Government of Bihar, Patna.
6. The Commissioner, Tirhut Division, Muzaffarpur.
7. The Regional Additional Director, Health Services, Tirhut Division, Muzaffarpur.
8. The District Collector, East Champaran.
9. The Civil Surgeon-Cum-Chief Medical Officer, East Champaran.
10. The District Provident Officer, Motihari, East Champaran.
11. The District Account Officer, Motihari, East Champaran.
12. The District Registrar, Motihari, East Champaran.
13. The District Treasury Officer, Motihari, East Champaran.
14. The District Gadget Deputy Collector, Motihari, East Champaran.
15. The Deputy Development Commissioner, East Champaran.
16. The Deputy Collector, District Nazarat, East Champaran.
17. The Deputy Collector, Establishment, East Champaran.
18. The District Additional Registrar, Motihari, East Champaran.

... .. Respondents.

Appearance :

For the Appellants : Mr. Vijay Shankar Shrivastava, Advocate.



For the Respondents : Mr. Prabhat Kumar Verma (AAG-3).
Mr. Saroj Kumar Sharma, AC to AAG-3.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

14 29-11-2023 Perusal of the records it is evident that the appellants have assailed the impugned Memo in which third party right is created. Such of those parties are not arrayed as parties to the writ proceedings. In the absence of impleading them as necessary and proper parties at least in the representative capacity, writ itself is not maintainable.

2. At this stage, learned counsel for the appellants seeks permission to withdraw the present L.P.A. and prefer review petition before the learned Single Judge. Such liberty is granted while dismissing the present L.P.A. as withdrawn.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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