

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1263 of 2019
In
Civil Writ Jurisdiction Case No.15053 of 2011

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Rajendra Choudhary S/o Late Parichhan Choudhary Resident of Mohalla- Under
Killa, Hajipur, P.O. and P.s.- Hajipur, District- Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. The Secretary Road Construction Department (P.W.D.), Govt. of Bihar, Patna
3. The Deputy Secretary Road Construction Department, Govt. of Bihar, Patna
4. The Engineer-in-Chief Road Construction Department, Govt. of Bihar, Patna
5. The Superintending Engineer Road Construction Department (N.H.), Govt. of Bihar, Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Kumar, Advocate
For the Respondent/s : Mr. Raj Ballabh Prasad Yadav, AAG 11

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

ORAL JUDGMENT

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

Date : 22-01-2024

The present LPA is filed in assailing the order dated
16.09.2019 passed in CWJC No. 15053 of 2011. The learned
Single Judge while disposing the aforementioned petition has
made the following observation:

*“Writ petition is disposed of with liberty,
as aforesaid.*

*In case the petitioner avails the remedy of
appeal within four weeks, the Appellate Authority
would not raise the issue of delay on account of the
matter pending before this Court.”*



2. The appellant instead of invoking remedy of appeal before the appellate authority, preferred the present LPA.

3. Today, learned counsel for the appellant seeks permission to withdraw the present LPA and to invoke remedy of appeal before the appellate authority. In the light of observation made by the learned Single Judge, present LPA stands disposed of as withdrawn reserving liberty to the appellant to undertake remedy of appeal before the appellate authority as ordered by the learned Single Judge on 16.09.2019 in CWJC No. 15053 of 2011.

4. The appellate authority is hereby directed to pass appropriate order both on merits as well as on application for condonation of delay. The appeal must be accompanied by an interlocutory application for condonation of delay in filing appeal before the appellate authority. Such appeal shall be filed within a period of six weeks from today, failing which the appellate authority is hereby directed to not to entertain the appellant's appeal.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.01.2024
Transmission Date	NA

