

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1363 of 2019

In
Civil Writ Jurisdiction Case No.25055 of 2013

Umakant Son of Late Shyam Narayan Sharma Resident of Village and Post-
Pariyari, P.S.- Kinjar, District- Arwal, At present- R/o Flat No. 303, Akanchha
Punam Palace, Saubhagya Sharma Path, P.O.- Veterinary College, Rukunpura,
Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar Patna.
2. The Secretary Rural Works Department, Government of Bihar, at Patna.
3. The District Magistrate Arwal.
4. D.C.L.R., Arwal.
5. Circle Officer Karpi, District - Arwal.
6. Executive Engineer Rural Works Department, Arwal.
7. IRCON International Limited through its Chairman/Managing Director.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Diwakar Prasad Singh, Advocate
For the Respondent/s : Mr. P.K.Shahi, AG

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

7 04-09-2024 The learned Counsel appearing for the appellant

submitted that the appeal is filed since his party had not

instructed for withdrawal of the appeal.

2. In fact, we see that the learned Counsel appearing

for the appellant before the learned Single Judge sought for

withdrawal of the appeal specifically expressing the view that

disputed and complicated questions of facts and law are

involved, which would require to be adjudicated by an



appropriate Civil Court having competent jurisdiction. The learned Counsel also sought for liberty to seek compensation, if a declaration is obtained in his favour. The learned Single Judge allowed both the declarations.

3. We were unhappy by the manner in which the appeal was filed by changing the Counsel. We were of the opinion that the learned Counsel had expressed his view as an Officer of the Court and we find absolutely no reason for him to have obtained further instruction from the writ petitioner.

4. The learned Counsel then, sought for withdrawal of the appeal. We directed an affidavit to be filed by the appellant, however, the learned Counsel informed us that the appellant is present in person in Court. Since the appellant was present in Court, we specifically asked him to get the consent of the appellant and on his consent, permission was sought to withdraw the appeal.

5. The appeal is permitted to be withdrawn with liberty as reserved by the learned Single Judge.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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