

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.29 of 2021

In

Civil Writ Jurisdiction Case No.845 of 2019

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1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Bisheshwarariya Bhawan, Bailey Road, Patna
 2. The Engineer-in-Chief cum Special Secretary, Public Health Engineering Department, Bisheshwarariya Bhawan, Bailey Road, Patna
 3. That Chief Engineer (Mechanical) Public Health Engineering Department, Bisheshwarariya Bhawan, Bailey Road, Patna
 4. The Superintendent Engineer, Public Health Engineering Mechanical Circle, Bhagalpur, District- Bhagalpur
 5. The Executive Engineer Public Health Mechanical Division, Purnia

... .. Appellant/s

Versus

- 1.1. Sita Devi, Widow of Late Sita Ram Sah, Resident of Parsaha, Ward No. 01, P.S. - Saharsa, District- Saharsa.
- 1.2. Shankar Kumar S/o Late Sita Ram Sah, Resident of Parsaha, Ward No. 01, P.S. - Saharsa, District- Saharsa.
- 1.3. Sunil Kumar Son of Late Sita Ram Sah, Resident of Parsaha, Ward No. 01, P.S. - Saharsa, District- Saharsa.
- 1.4. Vibha Devi D/o late Sita Ram Sah, Resident of Parsaha, Ward No. 01, P.S. - Saharsa, District- Saharsa.
- 1.5. Rinki Devi D/o late Sita Ram Sah, Resident of Parsaha, Ward No. 01, P.S. - Saharsa, District- Saharsa.
2. Manik Singh Son of Late Deoraj Singh Resident of Village and Post Office and Police station- Bihra, District- Saharsa
3. Mritunjay Kumar Singh Son of Late Kamaleshwari Singh Resident of Village and Post Office- Balhi Deghra, Police Station- Simri Bakhtiyarpur, District- Saharsa
4. Shyamal Kishore Pathak Son of Late Ram nandan Pathak Resident of Village Gandaul, Post Office- Manjhaul, Police Station- Bihra, District- Saharsa
5. Md. Taslim Uddin Son of late Md. Rafiyat Resident of Village- Bhag-Mohabatt, Ward No. 10, Post Office Rajokhar Hat, Police Station and District- Araria

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Alok Ranjan
For the Respondent/s : Mr.Lalan Kumar Singh



CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

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

9 23-07-2025 Appellant – State has assailed the order of the learned Single Judge dated 18.12.2019 passed in CWJC No. 845 of 2019. The learned Single Judge has allowed CWJC No. 845 of 2019 with reference to order dated 28.06.2017 passed in CWJC No. 1791 of 2008. State feeling aggrieved by the order dated 28.06.2017 passed in CWJC No. 1791 of 2008 preferred LPA No. 185 of 2018 and it was allowed in their favour. In such circumstances the present LPA is required to be allowed in the light of order passed by the Co-ordinate Bench in LPA No. 185 of 2018 while setting aside the order of the learned Single Judge dated 18.12.2019 passed in CWJC No. 845 of 2019.

2. At this juncture, learned counsel for the respondent, submitted that grievance of respondents are different from the relief granted by learned Single Judge in CWJC No. 1791 of 2008 decided on 28.06.2017, if it is so, he had the remedy of filing Civil Review in assailing the order dated 18.12.2019 passed in CWJC No. 845 of 2019 and he has not resorted to such remedy. On the other hand, for the first time in the present LPA learned counsel for the respondent try to impress that



grievance of the respondents are different from the order passed in CWJC No. 1791 of 2008 dated 28.06.2017 read with order passed in LPA No. 185 of 2018.

3. In the light of these facts and circumstances, appellants have made out a case so as to interfere with the order of learned Single Judge dated 18.12.2019 passed in CWJC No. 845 of 2019 and it is set aside.

4. Accordingly, LPA No. 29 of 2021 stands allowed. Pending I.A.(s), if any, stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

Ankit Kumar/-

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