

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7082 OF 2010

(Arising out of SLP(C) No.15388/2008)

MOTIPUR SUGAR FACTORY LIMITED

Appellant(s)

:VERSUS:

THE STATE OF BIHAR AND ORS.

Respondent(s)

O R D E R

Leave granted.

This appeal is directed against the judgment and order dated 26.2.2008 passed by the Division Bench of the High Court of Judicature at Patna in Letters Patent Appeal (L.P.A.) No.158 of 2008.

L.P.A. No.158 of 2008 was filed against an interim order passed by the learned Single Judge of the Patna High Court in writ petition C.W.J.C. No.427 of 2007. The Division Bench of the High Court while disposing of the aforesaid LPA against the interim order, also dismissed the main writ petition (C.W.J.C. No.427/2007) which was pending before the learned Single Judge.

We have heard the learned senior counsel appearing on both sides.

We are of the considered view that in the facts and circumstances of this case, the Division Bench of the High Court ought not to have dismissed the writ petition. We are constrained to set aside that part of the impugned order by which the Division Bench has dismissed the C.W.J.C. No.427/2007, and remit the matter to the learned Single Judge for deciding the writ petition afresh on merit.

Since this matter has been pending in this Court for quite some time, we request the learned Single Judge of the High Court of Judicature at Patna to dispose of C.W.J.C. No.427/2007 as expeditiously as possible and without being influenced by any observation made by the Division Bench of the High Court.

With these observations, this appeal is disposed of, leaving the parties to bear their own costs.

JUDGMENT

.....J  
(DALVEER BHANDARI)

.....J  
(DEEPAK VERMA)

New Delhi;  
August 26, 2010.