

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).31147/2008

(From the judgement and order dated 28/07/2008 in CWJC No.7757/2008  
of The HIGH COURT OF PATNA)

PREM NATH SINGH

Petitioner(s)

VERSUS

STATE OF BIHAR

Respondent(s)

(With office report)

Date: 07/09/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL  
HON'BLE MR. JUSTICE G.S. SINGHVI

For Petitioner(s)

Mr. Raju Ramachandran, Sr. Adv.  
Mr. Neeraj Shekhar, Adv.  
Mr. Priya Ranjan P. Singh, Adv.  
Mr. Rajesh Kumar, Adv.

For Respondent(s)

Mr. Gopal Singh, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Leave granted.

Heard learned counsel for the parties.

The civil appeal is allowed.

[ T.I. Rajput ]  
A.R.-cum-P.S.

[ Savita Sainani ]  
Court Master

[Signed order is placed on the file]  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6114 OF 2009  
(Arising out of S.L.P. (C) No.31147 of 2008)

Prem Nath Singh & Anr.

...Appellant(s)

Versus

State of Bihar & Ors.

...Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

By the impugned order, the High Court dismissed the writ petition on the ground that the same was barred by principles of constructive res judicata.

Having heard the learned counsel appearing on behalf of the parties and perused the records, we are of the view that the High Court was not justified in holding that the writ petition was barred by the principles of constructive res judicata.

This being the position, we have no other option but to remand the matter to the High Court.

Accordingly, the appeal is allowed, impugned order rendered by the High Court is set aside and the matter is remanded to the High Court.

Now, the High Court shall decide the writ petition on merits after giving opportunity of hearing to the parties in accordance with law.

.....J.  
[B.N. AGRAWAL]

.....J.  
[G.S. SINGHVI]

New Delhi,  
September 07, 2009.