

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14737 of 2009

With
Interlocutory Application No. 3047 of 2011

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Amarnath Jha S/O Late Radhakant Jha R/O Anathalya Road, Distt.-
Katihar, Proprietor of M/S Manish Enterprises

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary
 2. The Commissioner-Cum-Secretary, Water Resources Department,
Govt. of Bihar, Patna
 3. The Engineer-In-Chief (North) Water Resources Department,
Govt. of Bihar
 4. The Chief Engineer, Water Resources Department, Purnea, Bihar
 5. The Superintending Engineer Canal, Circle, Purnea, Bihar
 6. The Superintending Engineer Planning and Flood Monitoring
and Control Circle, Water Resources Department, Patna
 7. The Executing Engineer Design-3, Purnea
 8. The Executing Engineer Irrigation Division, Arraria
 9. The Estimating Officer the Officer of the Chief Engineer,
Water Resources Department, Purnea
 10. M/s R.K.Construction, Haitampura, Permanandpur, Begusarai
- Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr.Raghib Ahasan, Sr. Advocate
Mr. Rajesh Kumar, Advocate
For the Respondent Nos. 1 to 9 : Mr. Sudhir Kumar, AC to AAG 2

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

7 09-02-2015

Heard the parties.

2. The petitioner had filed the present writ petition originally assailing the validity and correctness of the agreement dated 03.09.2009, which was entered into between the State of Bihar and its functionaries at one hand and the respondent no.10 on other hand for the execution of the work of bed clearance and strengthening of Araria Branch Canal from 0 to 40 R.D. In I.A.No. 3047 of 2011 it has been stated that the works allotted to respondent no.10 appears to have been completed. Therefore, prayer has been made to permit the petitioner to withdraw the earnest money deposited by him, or a direction may be issued to

the respondents to refund the earnest money of Rs.3,30, 300/- to the petitioner.

3. Learned senior counsel appearing on behalf of the petitioner submits that he is, now, not pressing the main writ petition on merit, and the petitioner may be granted relief only in terms of the prayer made in I.A.No. 3047 of 2011.

4. Learned State counsel, appearing on behalf of the officials respondents, does not oppose the prayer made on behalf of the petitioner.

5. In above view of the matter, this Court is of the considered opinion that the interest of justice shall be subserved if the petitioner is granted liberty to appear before the respondent no.8 with a representation praying therein for refund of his earnest money deposited by him. It is ordered accordingly.

6. If the petitioner appears before the respondent no. 8 with such a representation accompanied by a certified copy of the present order within a period of one month from today, then the respondent no.8 either himself or any other competent authority of the respondent State shall be obliged to consider and decide the claim of the petitioner by a reasoned and speaking order at an early date preferably within a period of one month from the date of appearance of the petitioner.

7. If on consideration of the materials, the competent authority comes to a conclusion that the claim raised in behalf petitioner is admissible to him, then the earnest money deposited by the petitioner will be paid to him without any unnecessary further delay.

8. It is clarified that this Court has not gone into the merits of the claim raised on behalf of the petitioner and this is left to be decided by the competent authority strictly in accordance with law.

9. The writ petition stands finally disposed of with the observations and directions made above. I.A.No. 3047 of 2011 also stands, accordingly, disposed of.

(Birendra Prasad Verma, J)

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