

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18132 of 2009

With
Interlocutory Application No. 3020 of 2011

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Amarnath Jha S/O Radhakant Jha R/O Anathalya Road, Distt.- Katihar,
Partner Of M/S Manish Enterprises

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary
2. The Commissioner Cum Secretary, Water Resources Deptt.,
Govt. of Bihar, Patna
3. The Engineer-in-Chief (North) Water Resources Deptt., Govt.
of Bihar
4. The Chief Engineer, Water Resources Deptt., Purnea, Bihar
5. The Superintending Engineer, Canal Circle, Purnea, Bihar
6. The Superintending Engineer, Planning and Flood Monitoring
and Control Circle, Water Resources Deptt., 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 Deptt., Purnea
10. R.K.Construction, Haitanpura Parmanandpur, Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raghib Ahsan, Sr.Advocate
Mr. Rajesh Kumar, Advocate

For the Respondent Nos. 1 to 9 : Mr. Amiya Kunal, AC to AAG 10

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

9 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 22.09.2009, 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 work of bed clearance and strengthening of Araria Branch Canal from R.D. 46.40 to 73.00. In I.A. No. 3020 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.2,03,100/- 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. 3020 of 2011.

4. Learned State counsel appearing on behalf of the official 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 as also with 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. 3020 of 2011

also stands, accordingly, disposed of.

(Birendra Prasad Verma, J)

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