

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22811 of 2013

1. Laxman Prasad Son Of Sidheshwar Mahto Resident Of Village Chilhay Bigaha, P.O. + Police Station Kadirganj, District Nawada
2. Shiv Shankar Mahto Son Of Mahabir Mahto Resident Of Village Guljarbagh Komari Tola, P.O. + Police Station Pakribarawa, District Nawada
3. Subhash Prasad Son Of Kailash Mahto Resident Of Village Pakari Barawa, P.O. + Police Station Pakribarawa, District Nawada
4. Shyam Sundar Yadav Son Of Ramautar Yadav Resident Of Village Gulani, P.O. Gulani, Police Station Pakribarawa, District Nawada
5. Awadhesh Prasad Son Of Lakhan Mahto Resident Of Village Pakari Barawa, P.O. + Police Station Pakribarawa, District Nawada
6. Pravin Kumar Son Of Hardeo Mahto Resident Of Village + P.O. Ugama, Police Station Ashthama District Nalanda
7. Ravindra Yadav Son Of Rajendra Yadav Resident Of Village Dhebaha, P.O. + Police Station Pakribarawa, District Nawada
8. Bhushan Vishwakarma Son Of Laxmi Vishwakarma Resident Of Village Khalasha Dhibari, P.O. + P.S. - Kadirganj, District Nawada
9. Mukesh Kumar Son Of Bhagwat Mahto Resident Of Village + P.O. Darkha, Police Station Sikandra, District - Jamui
10. Nand Kishore Sao Son Of Manik Sao Resident Of Village Simariya, P.O. Marawa, P.S. - Pakribarawa, District Nawada
11. Dharmendra Kumar Son Of Ram Chandra Yadav Resident Of Village Raje Bigaha, P.O. + P.S. - Pakribarawa District Nawada
12. Ram Yadav Son Of Saudagar Yadav Resident Of Village Pakaribarawa, P.O. + Police Station Pakribarawa, District Nawada
13. Mahendra Yadav Son Of Rameshwar Yadav Resident Of Village Jalpar, P.O. + Police Station Pakribarawa, District Nawada
14. Krishnadeo Prasad Son Of Basudeo Mahto Resident Of Village Chilhay Bigaha, P.O. + Police Station Kadirganj, District Nawada
15. Anandi Prasad Son Of Balo Mahto Resident Of Village Chilhay Bigaha, P.O. + Police Station Kadirganj, District Nawada
16. Sukhdeo Prasad Son Of Nathuni Mahto Resident Of Village Poksi, P.O. Keshauri, Police Station Pakribarawa District Nawada
17. Nandu Paswan Son Of Mali Paswan Resident Of Village Belkhunda, P.O. + Police Station Dhamaul, District Nawada
18. Jitendra Mohan Pintu Raj Son Of Jay Mangal Prasad Resident Of Village Pakari Barawa, P.S. - Pakaribarawa, District Nawada
19. Kedar Yadav Son Of Krishna Yadav Resident Of Village Dhamaul, P.O. + Police Station Dhamaul, District Nawada
20. Dev Saran Prasad Son Of Chhatar Mahto Resident Of Village + P.O. Kadirganj, Police Station Kadirganj, District Nawada
21. Binod Kumar Son Of Baldeo Sao Resident Of Village Pakari Barawa, P.O. + Police Station Pakribarawa, District Nawada
22. Surendra Paswan Son Of Lato Paswan Resident Of Village Belkhunda, P.O. + Police Station Dhamaul, District Nawada
23. Rajesh Kumar Son Of Raj Kumar Yadav Resident Of Village Rohua, P.O. + Police Station Pakribarawa, District Nawada
24. Ram Ratan Yadav Son Of Baleshwar Yadav Resident Of Village Gopalpur, P.O. Madawa, P.S. - Pakaribarawa, District Nawada
25. Dharmendra Kumar Son Of Ramdhani Prasad Resident Of Village And P.O. Mahanandpur, P.S. - Dipnagar, District Nalanda
26. Ravi Kant Prasad Son Of Manik Chand Prasad Resident Of Village Kamalpura, P.O.

Shahipur, P.S. - Nawada, District Nawada

27. Umesh Kumar Son Of Janaki Prasad Resident Of Mijoram, P.O. + Police Station Pakribarawa, District Nawada

28. Ajay Kumar Son Of Mishri Mahto Resident Of Village Belkunda, P.O. + Police Station Dhamaul, District Nawada

29. Nitish Yadav Son Of Chandrika Yadav Resident Of Village Chhabaila, P.O. Milki, Police Station Warsaliganj, District Nawada

30. Kedar Prasad Son Of Baijnath Prasad Resident Of Village Bhalua, P.O. Mahapur, Police Station Kauwakol, District Nawada

31. Ashok Kumar Son Of Sahdeo Prasad Resident Of Village Shummadih, P.O. + Police Station Kashichak, District Nawada

32. Suryamani Prasad Son Of Moti Prasad Resident Of Village Pakari Barawa, P.O. + Police Station Pakribarawa, District Nawada

33. Jitendra Prasad Son Of Shukhdeo Mahto Resident Of Village Gopalganj, P.O. + Police Station Kadirganj, District Nawada

34. Pravin Kumar Son Of Ram Bharosh Singh Resident Of Khakhari, P.O. + Police Station Kashichak, District Nawada

35. Pradip Kumar Son Of Laxmi Das Resident Of Village Pakari Barawa, P.O. + Police Station Pakribarawa, District Nawada

36. Gajadhar Yadav Son Of Bahiro Yadav Resident Of Village Khakhari, P.O. + Police Station Kashichak, District Nawada

37. Manoj Kumar Son Of Janardhan Singh Resident Of Village Khakhari, P.O. + Police Station Kashichak, District Nawada

38. Sudhir Kumar Son Of Ram Sahay Prasad Resident Of Village Chilhay Bigaha, P.O. + Police Station Kadirganj, District Nawada

39. Upendra Kumar Son Of Litar Yadav Resident Of Village Pakari Barawa, P.O. + Police Station Pakribarawa, District Nawada

40. Sanjay Kushwaha Son Of Mishari Mahto Resident Of Dudhaila, P.O. + Police Station Dhamaul, District Nawada

41. Bipin Kumar Son Of Shyam Kishore Singh Resident Of Village Mahabir Nagar, P.O. + Police Station + District Nawada

42. Balmiki Prasad Son Of Shidheshwar Mahto Resident Of Village Amauna, P.O. Akauna, P.S. - Muffasil, District - Nawada

43. Upendra Kumar Son Of Jagarnath Prasad Resident Of Village Sonu Bigaha, P.O. + Police Station Kadirganj, District Nawada

44. Makeswar Yadav Son Of Baiju Yadav Resident Of Village Gulani, P.O. Gulani, Police Station Pakribarawa, District Nawada

45. Ashok Kumar Son Of Baldev Sao Resident Of Village Dudhaila, P.O. + Police Station Dhamaul, District Nawada

46. Dinesh Prasad Son Of Raj Kumar Mahto Resident Of Village Dudhaila, P.O. + Police Station Dhamaul, District Nawada

47. Bipin Kumar Son Of Krishna Mahto Resident Of Village + P.O. Jiuri, Police Station Pakribarawa, District Nawada

48. Sudarshan Prasad Son Of Jawahar Mahto Resident Of Village Simariya, P.O. Marawa, P.S. - Pakribarawa, District Nawada

49. Devendra Yadav Son Of Saudagar Yadav Resident Of Village Lalpur, P.O. + Police Station Kauwakole, District Nawada

50. Raghu Nandan Yadav Son Of Jagdish Yadav Resident Of Village Khaira, P.O. Kharsari, P.S. - Kauwakole, District Nawada

51. Balmiki Prasad Mehta Son Of Kishun Mahto Resident Of Village + P.O. + Police Station Pakribarawa, District Nawada

52. Sunil Kumar Son Of Kailash Prasad Resident Of Village Berami, P.O. Berami, Police Station Kadirganj, District Nawada

53. Dev Nandan Kumar Son Of Kameshwar Mahto Resident Of Village Sikandarpur, P.O. + P.S. Nawada, District Nawada

54. Sailesh Mahto Son Of Rameshwar Mahto Resident Of Village Mahrama, P.O. + Police Station Roh, District Nawada

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55. Vinod Kumar Choudhary Son Of Kailash Choudhary Resident Of Village Pakari Barawa, P.O. + Police Station Pakribarawa, District Nawada
 56. Krishna Yadav Son Of Badari Yadav Resident Of Villae Pali, P.O. Badraji, Police Station Kauwakole, District Nawada
 57. Sanjay Prasad Son Of Basudev Mahto Resident Of Village Belkhunda, P.O. + Police Station Dhamaul, District Nawada
 58. Tulasi Mahto Son Of Lakhan Mahto Resident Of Village Bari Talab, P.O. + Police Station Pakribarawa, District Nawada
 59. Sikandar Paswan Son Of Nandu Paswan Resident Of Village Dudhaura, P.O. + Police Station Dhamaul, District Nawada
 60. Sudama Chauhan Son Of Rupam Chouhan Resident Of Mathrapur, P.O. Dhobaha, P.S. Pakaribarawa, District Nawada
 61. Shiv Balak Prasad Son Of Amrit Mahto Resident Of Village Dadaur, P.O. Akauna, Police Station Muffasil, District Nawada
 62. Uma Shankar Prasad Son Of Ram Chandra Prasad Resident Of Village Kadirganj, P.O. + P.S. - Kadirganj, District Nawada
 63. Lakhpatri Prasad Son Of Hari Shankar Prasad Resident Of Bishunpur, P.O. + Police Station Govindpur, District Nawada
 64. Sanjay Kumar Son Of Ramdhani Mahto Resident Of Village Purshanda, Pursanda, Police Station Sikandra, District Jamui
 65. Ranjit Kumar Son Of Baleshwar Sao Resident Of Village Pokshi, P.O. Kelauri, Police Station Pakaribarawa, District Nawada
 66. Ram Chandra Prasad Son Of Janak Mahto Resident Of Village Dudhaila, P.O. + Police Station Dhamaul, District Nawada
 67. Bhola Singh Son Of Bal Mukund Singh Resident Of Village Bhagwanpur, P.O. + Police Station Pakribarawa, District Nawada
 68. Bishundeo Prasad Son Of Chandrika Mahto Resident Of Village Daulatpur, P.O. Saur Rajapur, Police Station Warsaliganj, District Nawada
 69. Niraj Kumar Son Of Chando Yadav Resident Of Village Shamdeo, P.O. + Police Station Dhamaul, District Nawada
 70. Umesh Yadav Son Of Kishun Yadav Resident Of Village Pakari Barawa, P.O. + Police Station Pakribarawa, District Nawada

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Excise Department, Govt. Of Bihar, Patna
3. The Collector, Nawada, District Nawadah
4. The Superintendent, Excise Department, District Nalanda

.... Respondent/s

Appearance :

For the Petitioner/s :	Mr. Neeraj Kumar
For the State	Mr. Anshuman Singh, AC to PAAG-1

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 31-08-2016

Heard.

The writ application filed on behalf of 70 petitioners prays for a

direction upon the state respondent(s) to refund the application fee allegedly deposited by them along with the application(s) to participate in the bid for settlement of liquor shop for the year 2013-14.

A counter affidavit on behalf of respondent nos. 3 and 4 is filed. There is no rejoinder thereto.

Learned counsel for the state has drawn attention of the court to the statements made in paragraph 15 of the counter affidavit wherein it has been specifically asserted that no document much less authenticated paper or a copy of the Nazir receipt has been enclosed along with the writ petition in support of their claim. It is stated that if the petitioners are able to produce the document(s) showing deposit of earnest money along with the bid paper(s) and a claim is raised before the appropriate/competent authority the same shall be considered and disposed of in accordance with law.

Looking to the pleadings on record, in my view, no relief can be granted by this court in exercise of its extraordinary and discretionary writ jurisdiction. However, if the petitioners raise a claim in this regard enclosing therewith document(s)/receipt(s) showing deposit of the amount along with bid paper(s) before the competent authority of the state respondent(s), I am sure, the same shall receive due consideration and disposal in accordance with law.

The writ application stands disposed of.

(Kishore Kumar Mandal, J)

HR/-

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