

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5855 of 2014

=====

1. M/S RAM JANKI CONSTRUCTION THROUGH REKHA DEVI WIFE OF SRI LAL BABU SINGH PROPRIETOR OF M/S. RAM JANKI CONSTRUCTION (PROPRIETOR), STATION ROAD, WARD NO. 20, DISTRICT MADHUBANI

2. LAL BABU SINGH (PARTNER), M/S RAM JANKI CONSTRUCTION SON OF LATE UCHIT SINGH STATION ROAD, WARD NO. 20, BOTH RESIDENT OF VILLAGE AND P.O. DULLIPATTI, P.S. JAY NAGAR, DISTRICT MADHUBANI (BIHAR)

.... PETITIONERS

VERSUS

1. THE STATE OF BIHAR THROUGH ITS CHIEF SECRETARY, BIHAR, PATNA

2. PRINCIPAL SECRETARY, BUILDING CONSTRUCTION DEPARTMENT, BHAWAN NIRMAN VIBHAG (VISHWARAIYA BHAWAN), PATNA

3. THE SECRETARY, BUILDING CONSTRUCTION DEPARTMENT, BHAWAN NIRMAN VIBHAG (VISHWARAIYA BHAWAN), PATNA

4. THE ENGINEER IN CHIEF, BUILDING CONSTRUCTION DEPARTMENT, BHAWAN NIRMAN VIBHAG, PATNA, BIHAR

5. CHIEF ENGINEER (NORTH ZONE) BUILDING CONSTRUCTION DEPARTMENT, BHAWAN NIRMAN VIBHAG, (VISHWARAIYA BHAWAN) PATNA

6. DISTRICT MAGISTRATE, MADHUBANI

7. SUPERINTENDING ENGINEER, BUILDING CONSTRUCTION DEPARTMENT, BUILDING CIRCLE, DARBHANGA

8. EXECUTIVE ENGINEER, BUILDING CONSTRUCTION DEPARTMENT, BUILDING DIVISION, MADHUBANI

.... RESPONDENTS

=====

Appearance :

For the Petitioners : Mr. YOGENDRA KUMAR SINGH, ADVOCATE
Ms. NITU KUMARI, ADVOCATE
Mr. RATNESH KUMAR, ADVOCATE

For the Respondent s : Mr. ASHOK KUMAR KESHRI. AAG XI
Mr. PRIYADARSHI MATIN SHARAN,
AC TO AAG XI

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 19-01-2016

Heard learned counsel for the petitioners and learned

counsel for the State.



2. The present writ petition has been filed for quashing the order vide Memo No. 10665 (Bh), dated 26.12.2012 passed by the Engineer-in-Chief, Building Construction Department whereby and whereunder the Engineer-in-Chief has blacklisted the Licence No. 1st 04(Building)/2010 which is in the name of the petitioners' company, as well as for quashing the order No. 210 dated 19.08.2013 passed by the Secretary, Building Construction Department, Government of Bihar whereby and whereunder learned Secretary has dismissed the appeal filed by the petitioners and has confirmed the order of blacklisting passed by the Engineer-in-Chief.

3. It is submitted on behalf of the petitioners that the impugned orders are wholly arbitrary and unjustified having been passed without considering the petitioners' show cause properly. It is submitted that in fact the petitioner has been made to suffer also having not been fully paid against the running bills for the work already done.

4. Learned counsel for the respondents on the other hand, opposes the writ petition, pointing out that the petitioner has rightly been blacklisted for having drawn funds fraudulently before completing the work as is evident from the report of the District Magistrate, Madhubani vide letter No. 830 dated 07.04.2006 which contains enumeration of the several cheques

variously dated 17.03.2006, 18.03.2006 and 20.03.2006 received by the petitioner, though the work was started from 30.05.2006 onwards for the different works.

5. Having heard the parties and on consideration of the materials on record, this Court does not find merit in the writ petition. The order of blacklisting has been passed by the Engineer-in-Chief having regard to the petitioners' show cause and so also the appellate order has considered the matter in detail while upholding the blacklisting order. Significantly, the petitioner has not filed any rejoinder controverting the fact of withdrawal of funds by him prior to commencement of the work.

6. In such circumstances, this Court is not inclined to interfere in the matter. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

Chandran

U			
---	--	--	--