

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1323 of 2017

IN

Civil Writ Jurisdiction Case No. 7818 of 2017

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Bhanu Pratap Shukla, Son of Madhu Mangal Shukla, resident of Saheb Para, P.S. Sahayak Thana, District- Katihar.

.... Appellant/s

Versus

1. The State of Bihar through Mayor Katihar Municipal Corporation, Katihar.
2. The Municipal Commissioner, Katihar.
3. Vishnu Gupta Son of Sahdeo Gupta.
4. Pintu Gupta Son of Sahdeo Gupta. Both are resident of Gami Tola, Pani Tanki, Chowk, P.S. Town Thana, District- Katihar.
5. Vijay Radio & Electric House, through Lacchu Begani, Son of Shobha Chand Begani, P.S. Town, M.G. Road, District- Katihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajit Kumar Singh
For the Respondent/s : Mr. Satya Prakash Tripathy
For Katihar Municipal Corporation : Mr. Satya Vrat

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 11-10-2017

Seeking exception to an order dated 21.08.2017 passed by the learned Writ Court in CWJC No. 7818 of 2017 this appeal under Clause 10 of the Letters Patent has been filed.

A tender was floated by the authorities of the Municipal Corporation, Katihar, for the purpose of lightening the municipal road. Even though the petitioner-appellant submitted his sealed cover tender it seems that the tender was not open and the entire



N.I.T. was cancelled on various grounds and a fresh tender was floated.

Challenging the cancellation of the tender, the writ petition was filed and the learned Writ Court found that the mere filing of a tender by the petitioner does not create any vested right in him seeking consideration of his tender when the entire tender process for justifiable reasons have been cancelled and fresh process initiated wit without even opening specific sealed tender submitted in the matter and dismissed the writ petition. However, a liberty was given to the petitioner that if fresh tender is floated, he may participate in the same.

In dismissing the writ petition on such consideration, we find no error by the learned Writ Court warranting interference. The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mrl

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	14/10/2017
Transmission Date	N.A.

