

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 11845 of 2014

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Ajay Kumar Choudhary, aged about 45 years, Son of Sri Jay Narayan Choudhary, resident of Mohalla- Anandi Lal Lane, Badi Khanjarpur, Police Station- Berari, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. District Magistrate, Bhagalpur.
3. Circle Officer, Jagdishpur, Bhagalpur.
4. Sainik Kalyan, Bihar, Patna through its Director, Patna, Bihar.
5. District Sainik Kalyan Padadhikari, Bhagalpur, in the office of District Sainik Board.
6. Bihar Police Building Constructions Corporation (Pvt.) Ltd. (A Govt. of Bihar undertaking) through the Chief Managing Director (C.M.D.), Bihar, Patna.
7. Executive Engineer, Bihar Police Building Constructions Corporation (Pvt. Ltd.), Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Deepak Kumar Sinha, Advocate
For the State	:	Mr. Pawan Kumar, A.C. to G.A. 1
For the P.B.C.C.	:	Mr. Kamla Kant Upadhyay and Mr. Chandra Bhushan Das, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 23-02-2017

Heard learned counsel for the parties.

The petitioner has moved the Court for the following
reliefs:

(i) To command and direct the respondents to quash the Order/Notice dated 14.05.2013, issued under the signature of Circle Officer, Jagdishpur, Bhagalpur by which construction of new multi-storied (G+2) Building Bhagalpur District Sainik Kalyan Bhawan instated of old building was stopped which was going to make by the petitioner (Govt. Contractor) vide agreement through tender on the land of Kheshra No. 1603 in the name of State of Bihar beyond the Kheshra of Sandish Compound



(restricted place) under the Bihar Police Building Construction Corporation Pvt. Ltd. after approval of Secretary, Home (Police) Deptt. It was stopped under the garb order passed in the case of C.W.J.C. No. 5822 of 2004 Jai Prakash Udyan cum Sandish Compound Vikas Samiti Vs. The State of Bihar and others on 18.04.2004 and 12.04.2005 by this Hon'ble Court in which land and other khesra involved except the proved one i.e. Khesra No. 1603.

(ii) To further commend and direct the respondents to quash the order dated 18.05.2013 issued by Executive Engineer, Bihar Police Building Construction Nigam, Bhagalpur Pramandal, Bhagalpur by which implementation of order was passed on dated 14.05.2013 of C.O. Jagdishpur, Bhagalpur.

(iii) To after quashing of above mentioned order/notice direct the respondents to pass order for the construction of office of District Sainik Kalyan Bhawan, Bhagalpur immediately in which almost 60% work was completed by the petitioner.

(iv) To compensation made to the petitioner for which his building material lying about Rs. 11 Lakhs in the construction area was destroyed as well as his physical and mental and economical harassment.

(v) For which petitioner is entitled to."

In view of the counter affidavit filed, it is clear that the work was stopped in terms of the order of the Court in C.W.J.C. No. 5822 of 2004, by which any construction in Sandys Compound in the city of Bhagalpur was prohibited.

In that view, the orders which are impugned cannot be interfered with by this Court. However, learned counsel for the State submitted that they have filed a petition for modification of the



final order dated 12.04.2005 passed in the said case for seeking permission of the Court to complete the work with regard to the old club house which was already existing and for which the petitioner has been given the work contract.

Counter affidavit has also been filed on behalf of the Bihar Police Building Construction Corporation in which details has been given with regard to clearing of all the pending bills of the petitioner as well as refund of whatever was being retained by way of security, etc. It has further been categorically stated that all admissible dues of the petitioner stand settled.

In view of the aforesaid, nothing more remains in the present writ application and accordingly, the same stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
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