

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9915 of 2015

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Suresh Ray Son of Sri Bhekdhari Rai, Permanent r/o village - Chhitarpatty, P.S. - Meenapur, District- Muzaffarpur, at present residing at village - Nazirpur, P.S. - Ahiyapur, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Planning and Development Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Planning and Development Department, Govt. of Bihar, Patna.
3. The Chief Engineer, Local area Engineering Organization, Visheshwaraiya Bhawan, Bihar, Patna.
4. The Superintending Engineer, Local Area Engineering Organization, Planning and Development Department, Tirhut Division, Muzaffarpur.
5. The Executive Engineer, Local Area Engineering Organization, Works Division - II, Muzaffarpur.
6. Sri Sachidanand Singh S/o Not known, R/o Dewariya, Choudhary Tola, P.S.- Dewariya, Dist.- Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Adv.
For the State : Mr. Uday Bhan Singh, AC to GP-19
For the Resp. No.4 : Mr. Binod Kr. Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 21-04-2017

Heard learned counsel for the petitioner and counsel for the State.

In this case, the petitioner is challenging the action of the respondents, whereby and whereunder, the allotment of work has been cancelled and the same has been allotted to third party for the construction of E-Kisan Bhawan within Kanti Block, Muzaffarpur.

The Government has issued the Tender Notice No. 3/2014-15, the petitioner was declared to be the successful tenderer but, as the land was not made available to him, the petitioner could not enter into the agreement and commence the work and, later on, the



work has been allotted to the third party, namely, Sri Sachidanand Singh.

Learned counsel for the petitioner submits that the action, taken by the respondent is per-se illegal, there was no occasion for the petitioner to commence the work in view of the fact that he has repeatedly asked the respondents to make available the land and the respondents have always given a evasive reply but, the private respondent appeared and filed an affidavit which has not been disputed by the petitioner that the private respondent has already completed the E-Kisan Bhawan on the plot.

In that view of the matter, there is no question for this court to proceed further to adjudicate the dispute raised by him. If the petitioner feels aggrieved by act of the respondent, he may approach the competent civil court for necessary relief. However, the respondents are directed to release the security money to the petitioner which is lying with them.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.04.2017
Transmission Date	NA

