

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1013 of 2017

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1. Ashok Kumar Rai S/o late Ramanand Rai Resident of Mohalla - South
Mandiri, P.S. Buddha Colony, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Govt. of Bihar, Patna.
2. The Principal Secretary , Building Construction Department, Govt. of Bihar, Patna.
3. The Executive Engineer, Gardanibagh Building Division, Building Construction Department, Patna.
4. The Assistant Engineer, Gardanibagh Building Division Building Construction Department, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.K. Ranjan,
Mr. Sanjay Kumar
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 31-10-2017 Heard learned counsel for the petitioner. No one appears on behalf of the State.

In the present case, petitioner has prayed for refund of earnest money which was deposited by him at the time of allotment of work order.

The Building Construction Department, Government of Bihar has issued an advertisement inviting tender from interested persons vide Tender Notice No.9 of 2013-14 for dismantling quarter no.32 at Gardanibagh. Petitioner was declared successful bidder and deposited earnest money of Rs.1,06,300/- but the said quarter was/is in illegal possession



of stranger and even after his all efforts the quarter could not be vacated.

Learned counsel for the petitioner submits that petitioner has gone there to carry out the job but he found that anti-social element was residing in the quarter which the petitioner has informed the State authority but it has not been given any result. He makes a prayer that the amount which he has deposited be returned along with interest.

The State should either get the quarter vacated from the illegal possession of the ante-social element and hand over the same to the petitioner for carrying out the job within a period of four weeks from the date of receipt of this order. In failure to give vacant possession of the quarter the authority will return the amount of Rs.1,06,300 which petitioner has deposited within a period of four weeks thereafter. In failure to make payment the amount will carry interest of 10% per annum.

The petitioner is directed to file representation before the appropriate authority along with this order.

With the aforesaid observation and direction this writ petition is disposed of.

Vinay/-

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(Shivaji Pandey, J)

