

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12644 of 2018

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M/s Lakshya Ventures, Office at Indrapuri Colony, Hajipur, Vaishali- 844101, Bihar, a proprietorship Firm of Shri Ishwar Prasad Singh, aged about 71 years, Son of Late Barni Singh, Resident of Village- Jagarnathpur, P.O.- Harpur Fatikwara, P.S.- Mahnar, District- Vaishali, presently residing at Indrapuri Colony, Near R.N. College Ground, Hajipur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar represented through the Secretary, Tourism Department, Government of Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Sub Divisional Officer, Jhanjharpur, District- Madhubani.
4. The Bihar State Tourism Development Corporation, 3rd Floor, Tourist Bungalow, Beerchand Patel Path, Patna- 800001, Bihar represented through its Managing Director.
5. The Chief Engineer, Bihar State Tourism Development Corporation, Patna and
6. The Executive Engineer, Bihar State Tourism Development Corporation, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Ravish
For the Respondent/s : Mr. Chitranjan Sinha - Paag2

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-12-2018 The petitioner has made the following prayers in the
main writ petition:-

“(i) To issue a writ of mandamus or any other appropriate order(s)/ direction(s)/ Command(s) upon the respondents particularly the authorities of the Bihar State Tourism Development to close the Agreement No. 08/F2/2015-16 executed between the parties on 08.12.2015 (Annexure-P/6-Series) for development of tourism infrastructure at Parmeshwari Asthan Temple at Andhrathari, Madhubani District as due to constant hindrance at site by the members of the Temple Management Committee and local Raiyats as well as local villagers, the infrastructure



development work cannot be done and the same is also fully within the knowledge of the Corporation and the District Administration who have not been able to resolve the dispute at local level allowing this petitioner to work under the agreement;

(ii) To issue a consequential writ of mandamus directing and commanding the respondents to refund following amount / money collected by the Corporation from the petitioner with interest at suitable rate in connection with the work in question:-

(a) E.M.D. amount of Rs. 1,08,000/- (Rupees One Lakh Eight Thousand) only, and

(b) Security Deposit of Rs. 1, 43,000/- (Rupees One Lakh Forty Three Thousand) only

(iii) To direct the Respondents-Corporation to pay cost of this litigation.

(iv) Any other relief or relief (s) which the petitioner may be found entitled to in the facts and circumstances of the case.”

The learned counsel for the petitioner has referred to a report of the District Magistrate, Madhubani written to the Sub Divisional Officer, Jhanjharpur dated 25.07.2017 wherein it has been stated that on account of local hindrances, the work has been stopped, hence, appropriate action be taken in this regard.

The learned counsel for the petitioner submits that the petitioner would be approaching the Managing Director, Bihar State Tourism Development Corporation, Patna by filing an appropriate representation in terms of the agreement within a period of four weeks from today, hence, the Managing Director, Bihar State Tourism Development Corporation, Patna be



directed to consider the same and dispose of the same within specified time frame.

Accordingly, the present writ petition is disposed of as withdrawn with liberty to the petitioner to approach the Managing Director, Bihar State Tourism Development Corporation, Patna by filing an appropriate representation and the Managing Director, Bihar State Tourism Development Corporation, Patna shall dispose of the said representation of the petitioner within a period of eight weeks of filing of the representation by the petitioner herein.

(Mohit Kumar Shah, J)

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