

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9600 of 2016**

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M/s Gaurav Construction At Panchbhirwa PO Mandhaul, PS Saraiya, District Muzaffarpur through authorised partner Vinay Kumar Son of late Kailash Singh Resident of Village - Panchbhirwa, P.O. Madhaul, PS Saraiya, District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Minor Irrigation Department, Government of Bihar, Patna.
2. Engineer-in-Chief, Minor Irrigation Bihar, Patna.
3. Chief Engineer, Minor Irrigation Muzaffarpur.
4. Superintendent Engineer, Minor Irrigation, Darbhanga.
5. Executive Engineer, Minor Irrigation, Madhubani
6. Assistant Engineer, Minor Irrigation, Jainagar, District Madhubani.
7. M/s Phuldeo Singh Builtek Pvt. Limited, Nirmal Bhawan Raja Bazar, Near Prabhat Tara Balika Vidyalaya Bhagwanpur, Muzaffarpur through its Managing Director Ajay Kumar Singh Son of late Phuldeo Narain Singh

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s       | : | Mr. Ajay Kumar Thakur, Adv.<br>Mr. Imteya Ahmad, Adv.<br>Mr. Pravin Kumar, Adv. |
| For the Respondent- State: |   | Mr. Birju Prasad, G.P. 13<br>Mr. Ajit Anand, AC to G.P. 13                      |
| For the Respondent No.7 :  |   | Mr. Harshvardhan Shivsundaram, Adv.                                             |

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      03-12-2018                      The learned counsel for the State submits that the tender has already been awarded and the work has already been completed, hence the present writ petition has been rendered as infructuous.

The learned counsel for the petitioner submits that the only question to be decided now, in the present case, is as to whether the action of the respondents in awarding tender to a third person is proper or not.



Since the aforesaid question raised by the petitioner is now academic, I deem it fit and proper to dispose of the present writ petition with liberty to the petitioner to test the action of the respondents by way of initiating appropriate action before a court of competent civil jurisdiction, so that the petitioner may also be entitled to claim damages, if any.

**(Mohit Kumar Shah, J)**

Tiwary/-

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