

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16257 of 2016

=====

Manoj Kumar son of Sri Dhanu Prasad Resident of Village- Maulinagar, P.S.-
Maner, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Building Construction Department, Government of Bihar, Patna.
2. The Chief Engineer (South), Building Construction Department, Bailey Road, Nirman Bhawan, Patna.
3. The Superintending Engineer, Building Construction Department, South Bihar Circle, Punaichak, Patna.
4. The Executive Engineer, Building Construction Department, Central Division, Near High Court, Patna.
5. The Assistant Engineer, Sachiwalay Sub-Division, in the Campus of Central Division, Near High Court, Patna.
6. The Executive Officer, Garden Division, Old Secretariat, Patna.
7. The Divisional Forest Officer, Patna Forest Division, Neharu Nagar, Patna.
8. Sanjay Singh son of Late Banarasi Singh Resident of Mohalla- Raja Bazar, Opposite Patrol Pump, P.S.- Hawal Adda, District- Patna.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Vinay Mistry, Advocate.
For the Respondents : Mr. Amit Prakash, GA-13

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 17-04-2018

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

2. The present writ petition has been filed for the
following reliefs -

*“(i) For issuance of a writ in the nature of Certiorari for quash
of the order dated 08.09.2016 bearing Letter No. 570 (WE)
dated 14.09.2016 (Annexure-5) passed by the Bihar Public
Works Contracts Disputes Tribunal in Reference Case No. 87 of
2014 whereby the learned Tribunal was pleased to make*



awards that Forest Officer is directed to issue permission for transportation of auctioned wood (Auction held by Central/Division) from the premises of Vikas Bhawan to his godown or Saw Mill at the request of the petitioner as the petitioner is the necessary party but he was neither impleaded party by the respondent no. 8 in the Reference Case No. 87 of 2014 nor the learned Tribunal heard the petitioner and the petitioner is the bonafide purchaser of the tree in auction.

(ii) For issuance of the writ in the nature of mandamus directing the learned Tribunal to decide the issues in Reference Case No. 87 of 2014 after full fledged hearing of the petitioner in the facts and circumstances of the case.

(iii) For issuance of such other writ(s), order(s), direction(s) as your Lordships may deem fit and proper.”

3. At the very outset, learned counsel for the petitioner fairly accepts that there is statutory remedy by way of revision under Section 13 of the Bihar Public Works Contracts Disputes Arbitration Tribunal Act, 2008 availed to the petitioner against the impugned order dated 08.09.2016, which has not been availed of by the petitioner.

4. In view of availability of the alternative remedy as above, this Court is not inclined to interfere in the matter. The writ petition stands dismissed with liberty to the petitioner to file revision before the appropriate forum for redressal of his grievances.

5. It is made clear that in case such a revision is filed, the concerned authority would have regard to the present proceeding



being pursued by the petitioner while considering any issue relating to
condonation of delay, if applicable.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	24.04.2018
Transmission Date	N.A.

