

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1641 of 2017

In

Civil Writ Jurisdiction Case No.3695 of 2017

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M/s Vinay Construction, Through its working partner Mr. Ram Naresh Singh Yadav, Son of Sri Ram Lakhan Yadav, Mohalla- Bhaluiya Tan, P.O.- Giriak Puraini, P.S.- Muffasil, District- Nawada, at present Resides at Mohalla- Ram Nagar, Near Sankat Mochan, P.O.- Gonawan, Nawada- 805110.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development & Housing Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Urban Development & Housing Department, Govt. of Bihar, Patna.
3. The Chief Engineer, Bihar Urban Development Agency, Urban Development & Housing Department, Govt. of Bihar, Patna.
4. The Superintending Engineer, Bihar Urban Development Agency, Urban Development & Housing Department, Govt. of Bihar, Patna.
5. The Executive Engineer, District Urban Development Agency, Nawada.
6. The Executive Officer, Nagar Parisad , Nawada.
7. Manoj Kumar, Son of late Dinesh Singh, Resident of Village- Kamta, P.O.- Hathiyawan, P.S.-Shekhpura, District- Shekhpura.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Rajendra Narayan, Sr. Advocate
		Mr. Manish Sahay, Advocate
For Respondent No. 7	:	Mr. P.K. Sahi, Sr. Advocate
For Respondent No. 6	:	Mrs. Sushmita Mishra, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-04-2018

Having heard learned counsel for the parties and appreciating the fair statement made on behalf of the original petitioner in C.W.J.C. No. 3695 of 2017 by the learned senior counsel Sri P.K. Sahi, we find that the learned Writ Court has allowed the writ petition primarily on account of certain irregularities found in the first N.I.T. issued and the award made. However, while doing so, it lost sight of the fact that the original petitioner in the writ petition Sri Manoj Kumar has already participated in the second N.I.T. which was finalized after his participation and this fact was neither brought to the notice of the Writ Court and an allegation is made that this was suppressed. However, once the original petitioner Sri Manoj Kumar has participated in the second N.I.T., the question of reopening of the issue on the basis of the first N.I.T. does not arise and to that extent the learned Writ Court has committed an error.

Accordingly, we allow this appeal, quash the order dated 24.07.2017 passed by the Writ Court in C.W.J.C. No.



3695 of 2017 and grant liberty to the original petitioner Sri Manoj Kumar to challenge the second N.I.T. in case he has any grievance. All objections with regard to the respondent Manoj Kumar's right to challenge the second N.I.T. is left open to be considered in case he challenges the same. The authorities may now proceed in accordance with law.

With the aforesaid, the appeal stands allowed and disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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