

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1318 of 2019

=====

D. B. S. Constructions Pvt. Ltd. through its Director, Sunil Kumar Singh son of Sri Daroga Singh, resident of Mohalla- Samdika Nagar, P.S. Dehri, District Rohtas, Bihar.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Engineer in Chief cum Additional Secretary, cum Special Secretary, Road Construction Department Government of Bihar, Patna.
3. The Chief Engineer, South Bihar Region, Road Construction Department, Government of Bihar, Patna.
4. The Superintending Engineer, Bhojpur Road Circle, Road Construction Department, Ara, Bihar.
5. The Executive Engineer, Road Division, Dehri On Sone, Bihar.

... .. Respondents

=====

Appearance :

For the Petitioner/s	:	Mr.Prabhat Ranjan, Advocate Mr.Chandan Kumar, Advocate
For the Respondent/s	:	Mr.Rakesh Ranjan, AC to G.P. 22

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 24-01-2019 On instruction learned counsel for the State submits today that before passing the impugned order no opportunity to show cause was given to the petitioner.

In the aforesaid view of the matter alone, this Court is of the considered opinion that the impugned order as contained Annexure-1 dated 09.10.2019 is fit to be set aside.

It is apparent from the impugned order that the Engineer-in-Chief -cum- Additional Secretary-cum-Special Secretary, Road Construction Department, Government of Bihar, Patna has suspended the registration of petitioner in



exercise of his power under Rule 11 of the Bihar Contractor Registration Rules, 2007 (hereinafter referred to as the Rules, 2007). Such orders have got civil consequences as it is likely to affect not only the business concern but also the persons involved in earning their livelihood with the said concern.

In the opinion of this Court, such orders which have got civil consequences could not have been passed by the Engineer-in-Chief -cum- Additional Secretary-cum-Special Secretary, Road Construction Department, Government of Bihar, Patna, in such a haste wherein he could not give an opportunity to show cause to the petitioner.

In future he should be cautious while exercising such powers conferred upon him. The impugned order is set aside. The authority under the Rules 2007 may, if so willing to proceed, pass afresh order after giving an opportunity of hearing to the petitioner.

This application stands allowed to the extent indicated hereinabove.

(Rajeev Ranjan Prasad, J)

avin/-ved-

U			
---	--	--	--

