

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18554 of 2018

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M/s Surendra Prasad and Co. through its working Partner Mr. Anup Kumar,
Son of Late Sri Surendra Prasad, Resident of Mohalla- Anandpura, P.O.-
Kadirganj, P.S.- Nawada, District- Nawada- 805104.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Road Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna-1.
2. The Principal Secretary, Road Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna-15.
3. The Engineer-in-Chief-cum-Additional Commissioner-cum-Special Secretary, Road Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna 15.
4. The Chief Engineer (Communication), North Bihar Wing, Road Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna 15.
5. The Superintending Engineer, Road Construction Department, Road Circle, Darbhanga.
6. The Executive Engineer, Road Construction Department, Road Division, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	M.r P.K.Shahi, Sr. Adv. Mr.Manish Sahay, Adv. Mr. Alok Ranjan, Adv. Mr. Anil Kr. Sinha, Adv.
For the Respondent/s	:	Mr.Uday Shankar Sharan Singh- GP19

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 11-02-2019 With the consent of the parties, the writ application

has been heard and is being disposed of under the heading “For
Orders (on Petitions).”

Heard learned Senior Counsel representing the
petitioner as well as learned counsel representing the State.

Petitioner in the present case has moved this Court for
the following reliefs:-

“(I) For Commanding and



directing the concerned respondent either to make provision of GST (Goods and Sales Tax) and Leads of Materials under Road Head in the Bill of Quantity of work namely “Execution of the IRQP with Maintenance Work of Darbhanga-Kamtaul-Basaitha-Madhwapur Road (SH-75) From 0.000 K.M. to 32.000 K.M. under R.C.D., Road Division, Darbhanga for the year 2017-18, Or release entire Earnest Money (i.e. Rs.58,65,783/-) in favour of the petitioner immediately.

(II) For further commanding the concerned respondent to re-schedule the work order issued by the Executive Engineer vide his letter No.811 Darbhanga, dated 29.05.2018 subject to making aforesaid provision in the bill of quantity (in short BOQ), after expiry of monsoon period i.e. from 15th September, 2018, because as per departmental guidelines no construction work should be commence in the monsoon period.

(III) For restraining the respondents to take any coercive steps against the petitioner during pendency of this writ application.

(IV) For declaring that the actions of the respondents are illegal, arbitrary, colorable exercise of power as well as contrary to guidelines of the department.

(V) For passing such an order or



orders for which the petitioner is entitled under the law in the facts and circumstances of this case.”

In course of hearing Mr. P.K. Shahi, learned Senior Counsel representing the petitioner has drawn the attention of this Court towards a number of issues which has been raised before the respondent authorities, however, the grievance of the petitioner is that the respondent authorities are sitting over the matter and they are not taking any decision on the issues raised by the petitioner. Annexures ‘P-8’ and ‘P-9’ are the representations of the petitioner submitted to the Executive Engineer, Road Construction Department, Road Division, Darbhanga in which he has raised his grievances.

It is the submission of the learned counsel representing the State that instead of keeping the writ application pending, it may be disposed of with a direction to the authorities concerned to look into the matter and take an appropriate decision thereon in accordance with the terms and conditions of the tender document as also the guidelines of the Government available on the subject. It is submitted that because of the pendency of the writ application, the road repair work is suffering.

In the aforesaid view of the matter, the writ



application is being disposed of with a direction to the Executive Engineer, Road Construction Department, Road Division, Darbhanga to look into Annexures 'P-8' and 'P-9' which are the representation of the petitioner and in case any fresh representation is submitted within a period of one week from today, the same shall also be considered by him and an appropriate decision shall be taken keeping in mind the terms and conditions of the tender documents and prevailing guidelines of the Government on the subject. Such decision shall be communicated to the petitioner within a period of 30 days from the date of receipt/production of a copy of this order.

Till then no coercive action shall be taken against the petitioner.

(Rajeev Ranjan Prasad, J)

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