

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23120 of 2018

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M/s Star Construction, At Balua Tal, Motihari, through Parvej Ahmad Khan,
Son of Haseen Ahmad Khan, Resident of Balua Tal, Post Office + Police
Station + District – Motihari.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Engineer-in-Chief, RWD, Bihar, Patna.
3. The Chief Engineer-3, RWD, Bihar, Patna.
4. The Superintending Engineer, Rural Works Department, Works Circle, Motihari.
5. The Executive Engineer, Rural Works Department, Works Division, Pakaridayal, District – East Champaran, Motihari.
6. The Assistant Engineer, Rural Works Department, Works Sub Division, Tetariya, under Works Division, Pakaridayal, District – East Champaran.
7. The Junior Engineer, Rural Works Department, Work Sub Division, Tetariya, District – East Champaran.
8. The Executive Engineer, PWD, Works Division Motihari, District – East Champaran.
9. The Assistant Engineer, Quality Contorl Unit, Road Division (P.W.D.), Motihari.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar
For the Respondent/s : Mr.Ajay- GA-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 08-03-2019 This writ application has been preferred seeking a direction to the respondent no. 3 to consider his application dated 05.09.2016 and to grant him six months time for completion of the work in connection with Agreement No. 03 (SBD) of 2012-13 relating to construction of HL Bridge at Kadma Cross Bagmati Nala at Narha Panapur to Shivhar Road via Kadma under Tetariya Block in the District East Champaran.

Learned counsel for the petitioner has drawn the



attention of this Court towards the statement made in Paragraph-
43 of the writ application which reads as under :-

“43. That it is most humbly submitted that the order of termination of agreement has been set aside by the learned Tribunal vide Award Dated 26.07.2016 passed in Reference Case No. 126 of 2016 and further the Debarment has also been quashed by this Hon’ble Court vide order dated 18.05.2018 passed in C.W.J.C. No. 17965 of 2016, but till dated the respondents authorities have not taken decision on petitioner’s application dated 05.09.2016, whereby the petitioner had requested the respondents authorities to grant him only six months time and he shall complete the work. The respondents authorities are taking no action and therefore, the petitioner has been advised to file this writ application for the prayer made in paragraph no. 1 of the writ application.”

Learned counsel for the State is present. However, in the nature of the reliefs prayed in the writ application, learned counsel submits that the writ application may be disposed off with a direction to the concerned respondent to take a decision on the request of the petitioner.

In the given facts and circumstances of the case, without going into the merit of the contentions of the petitioner, at this stage, this Court directs respondent no. 3 to look into the application dated 05.09.2016 said to have been submitted by the petitioner and in case the petitioner feels that any more facts needs to be brought to the notice of respondent no. 3, he will be



at liberty to do so within a period of one week from today.
Thereafter, the respondent no. 3 shall take a decision thereon in
accordance with law within a period of 60 days from the date of
receipt/production of a copy of this order.

This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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