

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7770 of 2020

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Kanhaiya Das Son of Late Mohan Das Resident of Mohalla- Digambar Sarkar
Lane, P.O.- Buranath, Jagdishpur, P.S.- Jogsar, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Collector, Munger.
2. The Collector, Munger.
3. The Municipal Commissioner Munger.
4. Municipal Corporation, Munger through Municipal Commissioner.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Navjot Yesu, Advocate
For the Respondent/s : Mr. Anjani Kumar, A.A.G. 4

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 30-11-2021

Petitioner has prayed for the following relief(s):

“For issuance of an appropriate writ(s), order(s), or direction(s) for quashing of the Office Order as contained in Letter No- 842 dated 3.3.2020 passed by Municipal Commissioner, Nagar Nigam, Munger whereby and whereunder he has terminated the agreement of contract bearing Agreement No-02/2019-20 and has withheld the performance security of Rs.5,00,000/- of the petitioner.

And further the Municipal Commissioner, Munger may be directed to



pay the bill for the month of January, 2020 and February, 2020 in order to make payments to the labours.

And further for issuance of an appropriate writ(s) order(s), or direction(s) to release the performance security of Rs. 5,00,000/- of the petitioner forthwith which has illegally been withheld by the Respondent authorities.

And/Or

Pass such other order(s) as your lordships may deem fit and proper.”

Learned counsel for the petitioner seeks permission to withdraw the petition, reserving liberty to take recourse to the remedies provided under the agreement and more specifically the clause termed as “Arbitration post signing of contract” (page 133 of the paper-book).

Prayer allowed.

The petition is dismissed as withdrawn. Liberty, as prayed for, is granted.

Shri Anjani Kumari, learned A.A.G. 4, states that the moment request is received from the petitioner, the same shall be processed and appropriate action taken at the earliest and positively within a period of four weeks thereafter.

Statement accepted and taken on record.

Petition is disposed of in the aforesaid terms.



Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	02.12.2021
Transmission Date	

