

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.652 of 2022

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Maa Jagdamba Enterprises through its proprietor Indrajeet Kumar aged about 38 years, G- Male, S/o - Bijay Shankar, resident of Badi Mathiya, Hospital Road, Arrah, Dist. - Bhojpur.

... .. Petitioner/s

Versus

1. The Eastern Railways through its General Manager / sales3, Koilaghat Street, Kolkata.
2. The Controller of Stores, Eastern Railway, Jamalpur.
3. The Chief Material Manager/ Sales, Eastern Railways 3, Koilaghat Street, Kolkata.
4. The Senior Divisional Engineer / C Eastern Railway, Malda.
5. The Dy. Chief Material Manager / Sales, Jamalpur.
6. The Junior Engineer P., Way, Eastern Railway, Sahebganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Mira Kumari, Advocate
For the Respondent/s : Mr. Anshuman Singh, Sr. Advocate
Mr. Ramadhar Shekhar, (Addl. S.C. Railway)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-02-2022

The petitioner has prayed for the following relief/s :-



(a) For issuance of a writ of Mandamus calling for the records relating to the proceedings of the respondents of auction held on 30/7/2015 of two Bid Sheet i.e. (1) Bid Sheet No. 0515070074 dated 30/07/2015, Lot No. 0550740115 and (2) Bid Sheet No.0515070075 Lot No. 0550750115 dated 30.7.2015 and to issue directions permitting the petitioner to take delivery of remaining materials 9.539 M.T. of Bid Sheet No. 0515070074 and 8.619 M.T. of Bid Sheet No.0515070075 of scrap Rail auctioned on 30/07/2015 at Jamalpur, Dipo granting liberal time for lifting the materials from the site.

(b) For issuance of a Mandamus commanding the respondent authorities specially respondent No.-3 to extend the date for delivery of possession without any ground rent and without any interest in respect with the above said lots auctioned on 30/07/2015.

(c) For, payment of compensation or damages assessed by the petitioner to tune of Rs. 10,00000/- for causing unnecessary delay of more than six years, causing immense financial loss together with physical & Mental torture to the petitioner due to deficiency of

service on the part of respondent authorities, who prevented the petitioner in performing their part on contract.

(d) For, a direction to the respondents in the alternative to refund the total sale value, which was deposited well within prescribed time, by the petitioner with interest at the market rate within the time framed, if the Bid is cancelled regarding the auctioned lot.

(e) For, any other relief/reliefs, direction/directions to which the petitioner may be found entitled under the facts and circumstances of the present case.



It is brought to our notice that petitioner has preferred an appeal, which is yet pending consideration since long. The appeal is dated 30th of October, 2018.

We see no reason as to why the Appellate Authority should sit over the matter and not decide the appeal, any which way, after hearing the parties, in accordance with law.

We notice that the matter pertains to the year 2015, when the petitioner purchased certain property sold through public auction. Petitioner claims short supply of the property purchased through auction sale. We notice that the present petition was filed in the year 2021.

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that the petitioner shall be content if a direction is issued to the appellate authority to positively consider and decide the petitioner's appeal within a time bond period.

Shri Anshuman Singh, learned senior counsel for the respondents states that he has no objection to the same.

Statement accepted and taken on record.

As such, petition stands disposed of in the following mutually agreeable terms:-

(a) Petitioner shall make himself available before



the Appellate Authority on 09.03.2022 at 10.30 A.M.;

(b) Opportunity shall be granted to the parties to place on record all essential documents and materials, if so required and desired;

(c) Petitioner through learned counsel undertakes to fully cooperate and not take unnecessary adjournment;

(d) The Appellate Authority shall pass a reasoned and speaking order, within the statutory period, preferably within a period of two months;

(e) The Appellate Authority shall decide the appeal on merits, if not already decided, in compliance of the principles of natural justice;

(f) Copy of the order passed by the Appellate Authority shall be supplied to the parties;

(g) Equally, liberty reserved to the parties to take recourse to such other remedies as are otherwise available in accordance with law;

(h) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(i) We have not expressed any opinion on merits



and all issues are left open; and

(j) Liberty reserved to the petitioner to assail the order, before the appropriate forum, should the need so arise subsequently.

The instant petition sands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	25.02.2022
Transmission Date	

