

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2224 of 2022

1. Loha Construction Private Limited through its Managing Director, Laxman Kumar Singh, having registered office at Vill- Jamuniya, P.O.- Sardiha, P.S.- Simri Bakhtiyarpur, Dist- Saharsa, PIN- 852127.
2. Laxman Kumar Singh Son of Arbind Kumar Singh Resident of Balhi, Ward No. 05, Sardiha, P.S.- Simri Bakhtiyarpur, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Engineer-in- Chief, Rural Works Department, Government of Bihar, Patna.
4. The Chief Engineer-2, Rural Works Department, Government of Bihar, Patna.
5. The Nodal Officer, Pradhan Mantri Gram Sadak Yojana, Rural Works Department, Government of Bihar, Patna.
6. The Superintendent Engineer, Rural Works Department, Work Circle, District Saharsa.
7. The Executive Engineer, Rural Works Department, Work Division, District Saharsa.
8. The Assistant Engineer, Rural Works Department, Work Division, District Saharsa.
9. The Junior Engineer, Rural Works Department, Work Division, District Saharsa.
10. The Commissioner, Saharsa Division, District Saharsa.
11. The Collector, District Saharsa.
12. The District Certificate Officer, District Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Singh, Advocate Mr. Sumit Kumar, Advocate
For the Respondent/s	:	Mr. Satya Vrat, AC to GP-10

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



ORAL ORDER

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

2 21-03-2022 Petitioner has prayed for the following relief(s):

“1.(a) That the present writ application is being filed before this Hon’ble Court on behalf of abovenamed petitioners for issuance of writ of certiorari for quashing/setting aside the certificate dated 02.04.2018 and Certificate Case No. Yojana-07/18-19 which has been initiated before the learned District Certificate Officer, Saharsa under Bihar & Orissa Public Demand Recovery Act, 1914 on the basis of letter of Executive Engineer, Rural Works Department (hereinafter referred to as the RWD), Work Division, Saharsa vide no. 413 dated 02.04.2018 for recovery of Rs.19,64,719/= which excludes the Earnest Money and Security Deposit under the road construction and maintenance work of Package No. BR29R/045.

1.(b) That the petitioner is further praying before this Hon’ble Court for issuance of writ of mandamus for directing/ commanding the respondent authorities to make the payment of all invoice amount, security deposit, earnest money and other pending amount under the road construction and maintenance work of Package No. BR29R/041, BR29R/045, BR29R/052, BR29R/058, BR29R/067 and BR29R/133



which is more than Rs.20.00 Lakhs; all works have been completed successfully to the satisfaction of concerned authorities.”

After the matter was heard for some time, finding the Court not in favour of the submissions made by the learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that the petitioner shall be content if the petitioner is permitted to withdraw the present petition, with liberty to initiate appropriate proceedings before the appropriate forum and to take recourse to such other alternate remedies which are equally efficacious in law with a direction to the respondents not to take coercive action against the petitioner till such time the decision is taken on the petitioner’s representation.

Prayer allowed.

If the petitioner approaches the respondents within a period of four weeks along with a copy of this order, respondents are directed not to take coercive action against the petitioner till such time the decision is taken on the petitioner’s representation.

The petition is disposed of as withdrawn with the liberty aforesaid.



Interlocutory application(s), if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS

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