

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3055 of 2022

M/s Deo Construction having its head office at Ram Sakhi Bhawan, Station Road Fatuha, P.O.- Fatuha, P.S.- Fatuha, District- Patna, through its Partner Krishna Prasad, aged about 66 years, Gender- Male, Son of Late Hira Singh, Resident of Station Road Fatuha, P.S.- Fatuha, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Engineer-in-Chief, Rural Works Department, Bihar, Patna.
3. The Chief Engineer-I, Rural Works Department, Bihar, Patna.
4. The Superintending Engineer, Works Circle, Patna, Rural Works Department, District- Patna.
5. The Executive Engineer, Works Division, Patna, Rural Works Department, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Chaudhary, Sr. Advocate Mr. Bhola Kumar, Advocate Mr. Komal Chowbey, Advocate
For the Respondent/s	:	Mr. Kumar Alok, SC-7

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

Date : 27-07-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

a. To quash office order dated 25.01.2022 contained in Memo No. 134, Patna dated 25.01.2022 (Annexure-9) issued by the Respondent No. 5 whereby and where under Agreement No. 34/SBD/2015-16 for construction of road from Gauri to Pundah Harijan



Tola via Narayan Tola Road in Fatuha Block of Patna District under MMGSY Scheme Awarded to the Petitioner was cancelled and all the amount deposited by the Petitioner pursuant to the Agreement No. 34/SBD/2015-16 was forfeited and directed to be deposited in the Government Treasury without following the principles of natural justice and in utter violation of the settled position of law in this regard.

b. To stay the aforesaid office order dated 25.01.2022 contained in Memo No. 134, Patna dated 25.01.2022 issued by the Respondent No.5 during the pendency of the instant writ application.

c. To pass any other order/s in shape of a consequential relief to which the petitioners may be found to be legally entitled to in the facts and circumstances of the instant case.

After the matter was heard for some time, finding the Court not to be in favour with the submissions made across the Bar, learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition reserving liberty to take recourse to such other remedies, as are otherwise available, in accordance with law.

Permission granted.

We are sure that as and when any such proceedings are initiated, before the appropriate forum/Tribunal, the same shall be considered and decided expeditiously, in accordance



with law.

Needless to add, period for which the petitioner has been pursuing the matter before this Court, shall be excluded for the purpose of computing limitation.

It is made clear that we have not expressed any opinion on merits. All issues are left open.

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

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	29.07.2022
Transmission Date	

