

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4875 of 2020

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M/s Madan Kumar Singh, a partnership firm having its registered office at Naya Bazar, Police Station- Sadar Saharsa, District- Saharsa through its authorized partner namely Sri Gopal Kumar Singh, aged about 41 years, Gender-Male, Son of Sri Ram Nandan Prasad Singh, resident of Village- Naya Bazar, Police Station- Sadar Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Road Construction Department, Patna, Bihar.
2. The Road Construction Department through Principal Secretary, Government of Bihar, Patna.
3. The Engineer-in- Chief Road Construction Department, Government of Bihar, Patna.
4. The Chief Engineer Road Construction Department, Government of Bihar.
5. The Superintending Engineer, Road Construction Department, Government of Bihar, Saharsa.
6. The Executive Engineer Road Construction Department, Government of Bihar, Madhepura.
7. The Executive Engineer Flying Squad Division-4, Road Construction Department, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Shekhar, Advocate
For the Respondent/s : Mr.Uday Shankar Saran Singh, GP 19

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

(Per: HONOURABLE THE CHIEF JUSTICE)

3 17-10-2022 Petitioner has prayed for the following relief(s):-

“i) To issue a Writ in the nature of Certiorari for quashing Enquiry Reports for Thickness Testing as contained in letter no.118 dated 21.08.2013 and letter no.74 dated 26.06.2014 as these reports are based on



erroneous calculation and are contrary to the methods of calculation as prescribed by the Department as contained in letters nos. 29.07.2009 and 02.12.2010.

ii) To issue a Writ in the nature of Certiorari for quashing the show cause notices as contained in letter no.492 dated 19.01.2015 and memo no.8739 dated 20.12.2018 and memo no.7005 dated 09.09.2019 and quashing of impugned order as contained in memo no.1106 dated 03.02.2020 whereby the petitioner firm has been suspended for two years and order for recovery of proportionate amount for alleged less thickness of the road has been made on the ground that the petitioner firm has not been afforded any opportunity when the Enquiry for Thickness Testing of road was held and also on the ground that the Department has made erroneous calculation which is contrary to the calculation as prescribed by the Department as contained in letters nos. 29.07.2009 and 02.12.2010.

iii) To any other relief or reliefs to which the petitioner is entitled in the facts and circumstances of the case.”

Learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition, reserving liberty to approach respondent No. 3, namely The Engineer-in-Chief, Road Construction Department, Government of Bihar, Patna, for redressal of the grievance.

Prayer allowed.

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)

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