

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11685 of 2021

Naresh Yadav S/o Sita Ram Yadav, Resident of Village- Kalyanpur East Tola,
P.O., P.S. and District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary Urban Development Department, Govt. of Bihar,
Patna.
3. The District Magistrate, Jamui.
4. The D.D.C. (Deputy Development Commissioner), Jamui.
5. The Executive Officer, Nagar Parishad, Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate
For the Respondent/s : Mr. Abbas Haider, SC-6

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 17-01-2022

Heard learned counsel for the parties.

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

- i. For quashing the impugned general notice/ Advertisement no.11/2020-21, issued by the office of Nagar



Parishad, Jamui so far as petitioner is concerned, whereby and whereunder fresh tender for settlement of Jamui malaypur Tempu stand, near Jamui co-operative Bank and others have been invited without considering the lock down period which is against the natural justice and as such the same is fit to be quashed.

- ii. Further for quashing the letter no. 380 dated 22.02.2021, issued by Executive Officer Nagar Parishad, Jamui whereby and whereunder the remaining due amount of Rs. 300000/- (Rupees three lakh) alongwith 3% stamp cost fee directed to be deposited like amount of Rs. 88131/- (Rupees eighty eight thousand one hundred and thirty one only) which is bid amount and out of which petitioner has already deposited Rs. 26,37,700/- (Rupees twenty six lakh thirty seven thousand and seven hundred only) but till date neither any work order has been issued by the respondents nor any agreement has been done/ made due to COVID-19 as the Jamui tempu stand in question, depended on running of



/ Train so no business of Jamui Tempu stand has been started nor any work order has been given as such the impugned letter is not sustainable in the eye of law and fit to be quashed.

iii. Further for a direction to the respondent authority to consider the case of the petitioner and to settle the Jamui Malaypur Tempu stand for the present financial year 2021-2022 on the earlier bid amount of Rs. 29,37,700/- or the deposited amount of Rs. 26,37,700/- (Twenty six lakh Thirty Seven thousand and Seven hundred may be refunded alongwith the Bank interest as the settlement has not been made and no work order has been given.

iv. Further for a direction to the respondent authority to consider the case of petitioner and take a decision on the representation filed by the petitioner.



- v. Further during pendency of writ petition and till final decision on the representation of the petitioner, to stay the new settlement process of bus stand, Triveniganj for the year 2021-22.
- vi. To grant any other relief/reliefs for which the petitioner is entitle to get in the eye of law.

3. After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

4. Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

5. Statement accepted and taken on record.

6. As such, petition stands disposed of in the



following terms:-

(a) Petitioner shall approach the authority concerned i.e. Respondent No. 5 namely the Executive Officer, Nagar Parishad, Jamui within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The said authority shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(e) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(f) 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;

(g) Liberty reserved to the petitioner to approach the



appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

(h) We have not expressed any opinion on merits. All issues are left open;

(i) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

7. The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	19.01.2022
Transmission Date	

