

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7677 of 2019

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Naween Kumar, Son of Late Rajendra Prasad Singh, Resident of Baijnath Singh Path, Thana More, Warisaliganj, P.O.-P.S.-Warisaliganj, District-Nawada.

... .. Petitioner/s

Versus

1. The Union of India the general Manager, East Central Railway, Hajipur
2. The Senior Divisional Engineer (2), East Central Railway, Dhanbad.
3. The Divisional Railway Manager (Engineering), East Central Railway, Dhanbad.
4. The Assistant Divisional Engineer, East Central Railway, Gujhandi.
5. The Senior Section Engineer (W), East Central Railway, Gujhandi
6. The Senior Section Engineer (W), East Central Railway, Hazaribag Road.
7. The Junior Engineer (W), East Central Railway, Gujhandi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar, Advocate
For the Respondent/s : Mr.Anil Kumar Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-10-2022

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

- I. For issuance of a writ in the nature of writ of mandamus or any other appropriate writ, order or direction commanding the respondents to close the contract bearing AGREEMENT No.78/M/GJD/2011-12 dated 19.09.2011 for G.C. Section- Provision of 6 Nos. Hand Tube well at different manned level crossing gates L.C. No.23/C, 24/C, 25/C under SSE(C)/HSD and 35/C, 36/C, 38/C under SSE(c)/GSD in the section of ADEN/GJD.



- II. For issuance of direction upon the respondents to make payment of the work done by the petitioner and damages for not comply obligation of their part as per terms and conditions of the contract in question.
- III. For issuance of direction to the respondents to return the amount of earnest money, security deposit and performance guarantee to the petitioner.
- IV. For issuance of direction to make payment for the other works taken by the respondent railways outside the contract
- V. For any other relief/reliefs in the facts and circumstances of the case.

After the matter was heard for some time, learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to take recourse to such other remedies as are otherwise permissible and admissible in accordance with law as also represent respondent No.2, namely, the Senior Divisional Engineer(2), East Central Railway, Dhanbad, venting out the grievances, subject-matter of the present petition.

Prayer allowed. Liberty, as prayed for, is granted.

Without expressing any opinion on merits, leaving all questions of fact and law open, the present petition is disposed of as withdrawn with the liberty aforesaid.

We expect that the appropriate authority shall consider



and decide the petitioner's application/request expeditiously and preferably within a period of three months from the date of its presentation.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Ashwini/Sujit

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	12/10/2022
Transmission Date	NA

