

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10118 of 2021

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M/s N.D. Engineering Works, A partnership firm having its registered office at west Gandhi Maidan, Jehanabad, P.S. Jehanabad, Dist. Jehanabad through its Managing partners namely Narendra Kumar son of Shree Rambachan Sharma resident of West Gandhi Maidan, P.S. Jehanabad, District Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Rural works Department, Govt. of Bihar, Patna.
2. The Engineer- Chief - cum - Additional Commissioner - Cum Special Secretary, Rural Works Department, Govt. of Bihar, Patna.
3. The Engineer - Chief - cum - Additional Commissioner - cum- Special Secretary, Road Construction Department, Govt. of Bihar, Patna.
4. The Executive Engineer Rural Works Division, Daudnagar.
5. Executive Engineer Rural Works Department, Works Division II, Aurangabad.
6. The Superintendent of Police, Aurangabad, District Aurangabad.
7. The Officer in Charge Kudwa Police Station, District Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bibhuti Narayan, Advocate
For the Respondent/s : Mr. S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT



(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-01-2022

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

1. That, this is an application for issuance of writ in the nature of Mandamus for giving a direction to refund the security deposit amount, advance deposit amount, time extension amount of the petitioner, in view of order passed by the respondent authority further contained in Memo No. 4102 dt. 3.04.17 (Annexure -4) in making compliance of order passed by this Hon'ble Court in CWJC No. 16221/2016 dt. 8.12.16.

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).

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 two months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.



As such, petition stands disposed of in the following terms:-

(a) Petitioner shall file a representation before the authority concerned, within a period of four weeks from today for redressal of the grievance(s);

(b) The said respondent shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three 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) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) 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;

(f) Liberty reserved to the petitioner to approach



the Court, if the need so rises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits.

All issues are left open;

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Sanjeev Prakash Sharma, J)

Ashwini/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	05.01.2022
Transmission Date	

