

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9962 of 2019

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Manoj Kumar @ Manoj Singh, Son of Shri Arjun Singh, Resident of Village-Madhawpur Bairiya, P.O.- Amolwa, P.S.- Gaunaha, District West Champaran at Bettiah, at present Govt. Contractor and Supplier, Road Construction Departments, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Govt. of Bihar, Patna.
2. The Engineer-in-Chief-cum-Additional Commissioner-cum-Special Secretary, Road Construction Department, Govt. of Bihar, Patna.
3. The Superintending Engineer, Road Construction Department, Near Civil Court, District- East Champaran at Motihari.
4. The Executive Engineer, Road Construction Department, Road Division, Near Civil Court, District West Champaran at Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Gupta, Advocate
For the Respondent/s : Mr. Sushil Kumar, GP-22

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-11-2022

Petitioner has prayed for following relief (s):-

“That this is an application for issuance of a Writ of Mandamus or Order/Orders, Direction/ Directions, commanding the concerned respondents to forbear from giving any effect to the Letter No.599 dated 27.3.2019, issued by the Executive Engineer, Road Construction Department, Road Division, Bettiah by setting aside the same on the ground that the said letter has been issued illegally beyond the Jurisdiction



of eligibility because the tender was sanctioned by the Respondent No.3 but the Respondent No.4 maliciously suspended the ongoing work due to a complaint against the work of "Box Culvert" by a jealous person namely Sri Mazhar Alam, former candidate, RCD, Narkatiyaganj, District-West Champaran. Secondly the concerned Respondent also failed to examine the work going on himself or a Committee of Engineers.”

In view of the fact that Bihar Public Works Dispute Arbitration Tribunal is now functional, 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, preferably within a period of six months from the date of institution.

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)

(Partha Sarthy, J)

Spd/-Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	19.11.2022
Transmission Date	

