

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9896 of 2022

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Pankaj Kumar Dhandhaniya Son of Late Bhawani Shankar Dhandhaniya,
Resident of Bengali Tola, Ward No. - 25, P.S.- Town, District - Samastipur,
Proprietor of M/S Shree Bhawani Steels, Bengali Tola, Samastipur.

... .. Petitioner/s

Versus

1. The Union of India through Department of Railways, Rail Bhawan, Raisina Road, Connaught Place, New Delhi 110001.
2. The Senior Divisional Material Manager, Eastern Central Railway, Danapur, Patna.
3. The Divisional Railway Manager, Eastern Central Railway, Danapur, Patna.
4. The General Manager, Eastern Central Railway Hajipur.
5. The Principal Chief Material Manager, Eastern Central Railway, Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Advocate
For the Respondent/s	:	Dr. K.N. Singh, ASG
		Mrs. Vandana Kishore, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 04-08-2022

Heard learned counsel for the parties.

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

- i. **For issuance of an appropriate Writ in the nature of certiorari for quashing the order as contained in number Sr.DMM/DNR/Sale/2902331021, Sr.DMM/DNR/Sale/2902371121, Sr. DMM / DNR / Sale / 2902361121, all dated 24th of May 2022 issued under the signature of Senior Divisional Material Manager, Danapur of East Central Railway by which it has been communicated and informed to the Petitioner that the purchased subject lots in e-auction dated 24.11.2021 is being forfeited.**



- ii. For issuance of an appropriate Writ in the nature of certiorari for quashing the order as contained in number Sr.DMM/DNR/Sale/2902331021, Sr.DMM/DNR/Sale/2902371121, Sr. DMM / DNR / Sale / 2902361121, all dated 23rd of June 2022 issued under the signature of Senior Divisional Material Manager, Danapur of East Central Railway by which it has been communicated and informed to the Petitioner that the purchased subject lots in e-auction dated 24th of November 2021 are forfeited.
- iii. For issuance of an appropriate Writ in the nature of certiorari for quashing the order as contained in number Sr.DMM/DNR/Sale/2902331021, Sr.DMM/DNR/Sale/2902371121, Sr. DMM / DNR / Sale / 2902361121, all dated 27th of June 2022 issued under the signature of Senior Divisional Material Manager, Danapur of East Central Railway by which it has been communicated and informed to the Petitioner that the request of the Petitioner for extension of time for delivery (DP) is not being considered.
- iv. For issuance of an appropriate writ in the nature of Mandamus commanding the Respondents to handover the Purchased subject lot in e-auction dated 24th of November 2021 for which the entire amount as per the finalization of Bid has already been deposited.
- v. For issuance of an appropriate Writ holding and declaring the entire exercise of the Respondents in forfeiting the Purchased subject lot to be wholly arbitrary, illegal, mala fide and biased.
- vi. For issuance of an appropriate writ in the nature of Mandamus commanding the Respondents to compensate the Petitioner by giving interest on the amount as being deposited by the petitioner after the E- auction as the delivery of materials as purchased by the petitioner through e-auction has not been given by the authorities of the Railways for the latches on their part.
- vii. For any other relief/s for which the petitioner is entitled in the eye of law and 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 file a fresh petition, on the same and subsequent cause of action, if so required and desired.

Permission granted with liberty as prayed for.

Liberty also reserved to the petitioner to make a mention for listing of the petition on priority basis. As and when any such mention is made, Joint Registrar (List) shall take steps for listing the petition at the earliest.

Instant petition stands disposed of as withdrawn in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	05.08.2022
Transmission Date	

