

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17035 of 2021

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M/s P.K. Enterprises through Proprietor Praveen Kumar, aged about 37 years,
Male, Son of Rabindra Kumar, Resident of Koshi Colony, Ward No. 13,
Police Station - Saharsa, District - Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Patna.
2. The Principal Secretary, Rural Works Department, Patna.
3. The Engineer in Chief, Rural Works Department, Patna.
4. The Chief Engineer - 2, Rural Works Department, Patna.
5. The Superintending Engineer, Rural Works Department, Works Division, Saharsa.
6. The Executive Engineer, Rural Works Department, Patna, Works Division, Simri Bakhtiyarpur, District - Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Maharaj, Advocate
Mr. Satish Kumar Singh, Advocate

For the Respondent/s : Mr. P.N. Shahi, AAG 6

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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 : 21-01-2022

Heard learned counsel for the parties.

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



1. That this application is being filed for issuance of appropriate writ/writs, order/orders, direction/directions in regard to quashing of the order/letter bearing Letter No. 1291 dated 11.09.2020 (not received as yet), whereby and where under the agreement bearing 40 SBD OF 2017-18, has been terminated and also for quashing of the Memo No. 1440 dated 30.07.2021, issued by the Respondent Executive Engineer, (Resp. No. 6), whereby and where under the Respondents has passed order of recovery and imposed penalty amounting to Rs. 8338853/- (Rupees Eighty Three Lakh Thirty Eight Thousand Eight Hundred Fifty Three Only) and proceeded for recovery of the same.

After the matter was heard for some time, finding the Court not to be in favour with the submissions made across the Bar, learned counsel for the petitioner, more so in view of the disputed question of fact, fairly states that petitioner be permitted to take recourse to such equally, efficacious alternative remedies as are available in accordance with law.

Permission granted.

Petition stands disposed of in the aforesaid terms.

We clarify that we have not adjudicated the dispute on merits. All questions of fact and law are left open to be



agitated and adjudicated before the appropriate forum in appropriate proceedings.

Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	22.01.2022
Transmission Date	

