

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18882 of 2021

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M/s P.K. Construction Pvt. Ltd. Through its Proprietor Pintu Kumar Son of Ranjeet Mahto Resident of Mohalla -Khandpar, P.S. - Sheikhpura, District - Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Patna Municipal Corporation through its Commissioner, Patna Nagar Nigam, Patna.
3. The Chief Engineer, South Bihar, Sub - division Water Resources, Drainage and Sewarage, Urban Development and Housing Department, Government of Bihar, Patna.
4. The Chief Engineer, Municipal Corporation, Patna.
5. The Assistant Director, Quality Control Road, Sub- Division, Patna City, Gulzarbag, Patna - 7.
6. The Executive Engineer, Patliputra Division, Patna Municipal Corporation, Patna.
7. The Executive Engineer, Patna (West), Road Division, Road Construction, Department, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amit Srivastava, Sr. Advocate Mr.Sanjeev Nikesh, Advocate Mr. Girish Pandey, Advocate
For the PMC	:	Mr. Prasun Kumar Sinha, Advocate
For the Respondent/s	:	Mr.Abbas Haider (SC6)

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

Date : 30-06-2022

Heard learned counsel for the parties.

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

A. For issuance of an appropriate writ in the nature of CERTIORARI quashing / setting-aside Letter No. 1778 dated 06.10.2021 (Annexure - P/13) issued under seal and signature of the Executive Engineer, Patliputra Pramandal, Urban Development & Housing Department, Patna, Bihar, issued rescission notice, whereby and where under rejected summarily rejected the bill of the Petitioner and contract rescinded with immediate effect without issuing any show-cause to him.

B. For issuance of an appropriate writ in CERTIORARI quashing / setting-aside the Letter No. 1619 dated 11.09.2021 (Annexure - P/9) issued under signature of the Executive

Officer, Urban Development Sub-Division, Pataliputra which was issued without considering the project as per the agreement as well as report submitted by the Assistant Director, Quality Control vide letter no. 1801A dated 17.11.2020 as well as map and literature submitted vide letter no. 205AP/Eng. Dated 23.09.2019 issued by the Executive Engineer, Patliputra Division, Patna.

C. For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities to make payment of the admitted dues near about Rs. 52 Lakh of the present project i.e. "Construction of RCC drain and U/G drain at Nirala Nagar, Digha in Ward No. 1 (hereafter referred as 'the construction work')" which has duly completed by the Petitioner and measurement book has also been prepared for the work but payments were not made to the Petitioner and arbitrary letters were issued by the Municipal

Corporation contrary to their own letters and other documents.

D. For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities to pay 18% interest per annum to the Petitioner on admitted dues for which measurement book has already been prepared.

E. To any other relief/s which the Petitioners are found entitled to.

After the matter was heard for some time, finding the Court not in favour of the submissions made by the learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that the petitioner will be content if the petitioner is permitted to withdraw the present petition, with liberty to initiate appropriate proceedings before the appropriate forum and to take recourse to such other alternate remedies which are equally efficacious in law.

Prayer allowed.

It stands clarified that all issues of fact and law are left open to be agitated before the competent authority.

The petition is disposed of as withdrawn with the

liberty aforesaid.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	