

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19662 of 2021

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Titu Badwal son of Late Sohan Singh, Resident of Mohallah-Professors Colony, Milan Patty, Kishanganj, P.S.-Kishanganj (Muffassil), District-Kishanganj (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Building Construction Department, Government of Bihar, Nirman Bhawan, Bailey Road, Patna.
2. The Engineer-in-Chief-cum-Additional Secretary, Building Construction Department, Government of Bihar, Nirman Bhawan, Bailey Road, Patna.
3. The Chief Engineer (Patna) Building Construction Department, Government of Bihar, Nirman Bhawan, Bailey Road, Patna.
4. The Superintending Engineer, South Bihar Circle, Punaichak, Patna.
5. The Executive Engineer, Gardanibagh Building Division, Behind Officers Flat, Bailey Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Uma Shankar Tiwary, Adv
For the Respondent/s : Mr.Uday Shankar Sharan Singh (GP19)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 01-02-2022

Heard learned counsel for the parties.

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

“A. For quashing the impugned order (Annexure-16) by which the Respondent Engineer -in-chief suspended the petitioner’s Registration No. Class I No. 1190033 for 03 (three) years from the date of the issuance of suspension order vide letter No. 4778 (Bhawan) dated 24.08.2021 malafidely against the mandate of Article 14 of the constitution as well as in violation of the basic principle of the natural Justice i.e. without considering the show cause submitted by the petitioner.

B. For staying the operation of the impugned suspension order by which the Engineer-in-chief has suspended the petitioner’s Registration No. Class-I 1190033

for 03 (three) years vide letter no. 4778 (Bhawan) dated 24.08.2021.”

After the matter was heard for some time, learned counsel appearing on behalf of the petitioner, under instructions, states that petitioner may be permitted to prefer an appeal against the impugned order before the Appellate Authority.

Permission granted.

Learned counsel for the respondents states that if such an appeal is preferred within a period of four weeks from today, the issue of limitation, if any, shall neither be raised nor allowed to come in the way of adjudication of the appeal on merits.

Statement accepted and taken on record.

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

- (a) Petitioner is permitted to prefer an appeal within a period of four weeks from today;
- (b) In the event of appeal being preferred within a period of four weeks from today, the issue of limitation shall not come in the way of adjudication of the appeal on merits;
- (c) Opportunity shall be granted to the parties to

place on record all essential documents and materials, if so required and desired;

(d) Petitioner through learned counsel undertakes to fully cooperate and not take unnecessary adjournment;

(e) The Appellate Authority shall decide the appeal on merits, in compliance of the principles of natural justice;

(f) The Appellate Authority shall pass a reasoned and speaking order, within a period of eight weeks from the date of filing of the appeal;

(g) Copy of the reasoned and speaking order passed by the Appellate Authority shall be supplied to the parties;

(h) Equally, liberty reserved to the parties to take recourse to such other remedies as are otherwise available in accordance with law;

(i) 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;

(j) We have not expressed any opinion on merits and all issues are left open;

(k) Liberty reserved to the petitioner to challenge the order, before the appropriate forum, if required and desired.

The instant petition stands disposed of in the
aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA