

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15608 of 2022

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Neeraj 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 Shankar Steels, Ward No. 25, Bengali Tola,
Samastipur.

... .. Petitioner/s

Versus

1. The Union of India through the Director General of the Department of Railways, Rail Bhawan, Raisina Road, Connaught Place, New Delhi-110001.
2. The Senior Divisional Material Manager, Eastern Central Railway, Sonapur.
3. The Divisional Railway Manager, Eastern Central Railway, Sonapur.
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
Mr. Raghubir Chandrayan, Advocate
Mr. Anand Shankar, Advocate

For the Respondent/s : Dr. K.N. Singh, A.S.G.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

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 : 18-11-2022

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 No. 40/ Sale/ Sr. DMM/ e-auction/ MISC/ SEE dated 14.09.2022 issued under the signature of Senior Divisional Material Manager/ SEE of the East Central Railway by which it has been communicated and informed to the Petitioner that the delivery period for lifting of the lot number 402111040 bearing lot quantity of 2415 Kg of Copper as purchased in e-auction sale dated 10.12.2021 can not be extended without ground rent.

(ii) For issuance of an appropriate Writ in the nature of Mandamus commanding the Respondents to deliver the lot number 402111040 bearing lot quantity of 2415 Kg of Copper as purchased in e-auction sale dated 10.12.2021 without ground rent by considering the case of the petitioner to be in the category of exceptional circumstances.

(iii) For issuance of an appropriate Writ in the nature of certiorari for quashing the decision of the East Central Railway, Sonpur Division – Sale Depot by which Lot No. 402111040 bearing a lot quantity of 2415 Kg of Copper as purchased in e-auction sale dated 10.12.2021 by the Petitioner has been put on re-auction and has been scheduled for re-auction on 23rd of September 2022.

(iv) For issuance of an appropriate Writ in the nature of Mandamus commanding the Respondents to hand over the purchased Lot No. 402111040 bearing lot quantity of 2415 Kg of



Copper as purchased in e-auction sale dated 10.12.2021 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 not handing over the Lot No. 402111040 bearing lot quantity of 2415 Kg of Copper as purchased in e-auction sale dated 10.12.2021 & taking initiatives for re-auctioning the same to be wholly arbitrary, illegal, malafide and biased.

(vi) 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.

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if the petitioner is permitted to approach Respondent No. 4, namely, The General Manager, Eastern Central Railway, Hajipur, for taking a lenient view in the matter and deciding the representation, which the petitioner would be making in support of his claim seeking relaxation of the terms and conditions of the agreement entered into between the parties.

It is alleged that petitioner was precluded, beyond his circumstances from lifting the goods.

Well, all this is left for the authorities to consider and decide of which we are hopeful they shall take a pragmatic



view in the matter.

Petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	20.11.2022
Transmission Date	

