

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15959 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 department of Railways, rail Bhawan, Raisina Road, Connaught Place, New Delhi 110001.
2. The General Manager, North Frontier Railway, Maligaon, Guwahati, Assam.
3. The Principal Chief Material Manager, North Frontier Railway, Maligaon, Guwahati, Assam.
4. The Deputy Chief Material Manager, New Jalpaiguri, West Bengal.
5. The Divisional Railway Manager, North Frontier Railway, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advcoate
For the Respondent/s : Mr. Ratnesh Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 24-11-2022

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. 66/06/DP/2022-23 dated 29.09.2022 issued under the signature of Deputy Chief Material Manager, North Frontier Railway, New Jalpaiguri by which it has been communicated and informed to the Petitioner that the delivery period for lifting of the lot number SVC-246 (1 Number) of 9.24 Metric Tonne & Lot No. SVC-245 (2 Numbers) of



19.39 Metric Tonne as purchased by the Petitioner in e-auction sale dated 07.12.2021 & 17.12.2021 respectively has been extended up to 07.10.2022 with ground rent failing which the Sale will be cancelled and Sale Value will be forfeited.”

ii. For issuance of an appropriate Writ in the nature of Mandamus commanding the Respondents to deliver the lot number SVC-246 (1 Number) of 9.24 Metric Tonne & Lot No. SVC-245 (2 Numbers) of 19.39 Metric Tonne 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 both the Amendment Letter for SRO/DO dated 21st of September 2022 as issued under the signature of the Deputy Chief Material Manager, North Frontier Railway, Jalpaiguri by which a calculation has been made that the delivery of lot no. SVC245 can be made after payment of Ground Rent for 245 days with 0.5% of the total value of the quantity per day and delivery of lot no. SVC246 can be made after payment of Ground Rent for 255 days with 0.5% of the total value of the quantity per day.

iv. For issuance of an appropriate writ in the nature of Mandamus commanding the Respondents to hand over the Purchased lot number SVC-246 (1 Number) of 9.24 Metric Tonne & Lot No. SVC-245 (2 Numbers) of



19.39 Metric Tonne as purchased by the Petitioner in e-auction sale dated 07.12.2021 & 17.12.2021 respectively without ground rent 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 number SVC-246 (1 Number) of 9.24 Metric Tonne & Lot No. SVC-245 (2 Numbers) of 19.39 Metric Tonne as purchased by the Petitioner in e-auction sale dated 07.12.2021 & 17.12.2021 respectively has been extended up to 07.10.2022 with ground rent 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. 2, namely, The General Manager, North Frontier Railway, Maligaon, Guwahati, Assam, 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)

Spd/-Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	25.11.2022
Transmission Date	

