

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17792 of 2019

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Raj Kapur Singh Son of Late Jappu Singh R/o Village-Bujurg Rampur-
Kumharkol, P.S.-Desri, District-Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna
2. The Engineer-in-Chief-cum-Special Secretary Public Health Engineering Department, Government of Bihar, Patna
3. The Superintendent Engineer Public Health Engineering Department Circle, Muzaffarpur
4. The Executive Engineer Public Health Engineering Department, Division Hajipur
5. The Assistant Engineer Public Health Engineering Department, Sub-Division, Mahnar, Hajipur
6. The Treasury Officer Hajipur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar Rai, Advocate

For the Respondent/s : Mr.S. Raza Ahmad, AAG 5
Mr. Vishwambhar Prasad, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-12-2022

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

“(i) For issuance of a writ in the nature of certiorari to quash the letter No. 2700 dated 19.07.2019, issued under the signature of Executive Engineer, Public Health Division, Hajipur whereby



and whereunder the Agreement No. -F2-27/ 2015-16, under Mukhyamantri Hand-Pump (Chapakal) Scheme 2014.15, has been said to be rescinded in work, interest.

(ii) For issuance of further writ in the nature of ceritorari to quash the office order No. 39 dated 24.07.2019 as contained in Memo No. 2803 dated 24.07.2019 whereby and where under as a consequence of the rescind of the Agreement F2-27/ 2015-16, the amount of the Security despite of the agreement has been said to be forfeited as per the term of the agreement.

(iii) For issuance of a further writ in the nature of certiorari to quash the letter No. 2765 dated 22.07.2019, issued under the signature of Ex. Engineer, Public Health Division, Hajipur whereby the petitioner has been asked to reply within 3 days as to why he should not be put in Black-list in terms of Bihar Contractors Registration Rule 2007.

(iv) For issuance of a consequential writ in the nature of mandamus commanding and directing the respondents not to give effect to the impugned orders in any manner, save and except as permissible under the law and to grant all benefits to the petitioner arising out of the instant transaction.”

After the matter was heard for some time, learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to take recourse to such remedies as are otherwise stipulated in the agreement and are



available in accordance with law.

We notice that petitioner has raised dispute with regard to non-payment of amount arising out of works contract, which stipulates mechanism of resolution of disputes through the process of conciliation and arbitration.

As such, we dispose of the present petition reserving liberty to take recourse to such remedies as are available in accordance with law.

We are sure that as and when any such proceedings is initiated, the same shall be adjudicated expeditiously in accordance with law.

Without expressing any opinion on merits, leaving all questions of fact and law open, the present application is disposed of as withdrawn with the liberty aforesaid.

It is made clear that we have not expressed any opinion on merits. All questions of fact and law are left open.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.



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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	14.12.2022
Transmission Date	

