

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20125 of 2019

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Md. Ajmer Khan @ Mohammad Ajmer Khan S/o Md. Abdullah Khan
Resident of Mohalla- Ara Road, Near Mission School, Ward No. 12, Piro,
P.s.- Piro, Distt.- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Vikas Bhawan, Bailey Road, Patna
2. The Executive Officer Urban Development and Housing Board, Nagar Panchayat, Jagdishipur, distt.- Bhojpur
3. The Junior Engineer Urban Development and Housing Board, Nagar Panchayat, Jagdishipur, distt.- Bhojpur
4. The Chief Engineer Bihar Urban Infrastructure Development Corporation, 303 Maurya Tower, 3rd Floor, Maurya Lok Complex, Budh Marg, Patna
5. The Superintending Engineer Bihar Urban Infrastructure Development Corporation, New Secretariat, Patna
6. The Executive Engineer Bihar Urban Infrastructure Development Housing and Urban Development, 2nd Floor, Khodya Bhawan, Road no. 02, Daroga Prasad Rai Path, R-Block, Patna
7. The Managing Director Urban Development Housing Department, Vikas Bhawan, New Secretariat, Patna
8. The District Collector Bhojpur, Ara
9. The Sub Divisional Officer Jagdishpur, Distt.- Bhojpur
10. The Chief Councilor Nagar Panchayat, Jagdishpur, Distt.- Bhojpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nil Kamal, Advocate

For the Respondent/s : Mr.Yogendra Prasad Sinha, AAG-7

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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 that issue a writ in the nature of certiorari to quash the allot the tender No. 15/2018-19 which has been made without any information to the Successor Bidder/ Tenderer and petitioner.

(ii) For that issue a writ in the nature of mandamus to enquire the allotment of the work items of Tender No. 15/2018-19 in accordance with law.

(iii) For that direct to to Respondent higher authorities (Respondent Nos. 1 & 8) to pass any appropriate order on representation of petitioner kept pending since 13.07.2019 (Annexure-3) to this petition.

(iv) For that direct to respondent No. 9 to act as per its own letter dated 26.06.2019 (Annexure-2).

(v) For that direct to Higher Respondent Authorities to enquire or taken an action as per the allegation levelled against respondent No. 2 having allegation for embezzlement of Rs. 1 Crore 3 lakhs, as well as also illegal act for allotment the work of Tender No. 15/2018-19 contained as Annexure-4 to this petition.

(vi) For that any order or orders as your Lordships may deem fit and proper.

(vii) For that further be pleased to stay the operation of allotment work item of E. Tender No. 15/2018-19 till the disposal of this writ application.”

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 other remedies as are otherwise permissible and admissible in accordance with law as also represent to the appropriate authority i.e. respondent No. 4, namely, the Chief Engineer Bihar Urban Infrastructure Development Corporation, 303 Maurya Tower, 3rd Floor, Maurya Lok Complex, Budh Marg, Patna, venting out the grievances, subject-matter of the present petition.

Prayer allowed. Liberty, as prayed for, is granted.

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

We expect that the appropriate authority shall consider and decide the petitioner's application/request expeditiously and preferably within a period of three months from the date of its presentation.

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	17.12.2022
Transmission Date	

