

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.212 of 2020

M/s Shakti Industrial Agencies through its Proprietor namely Anup Anand aged about 48 years, Gender- Male, S/o Sri Manindra Nath Gupta , Resident of (Registered Office)- B-103, Dhanesh Datt Palace, Gola road, P.s.- Danapur, District- Patna, At present Resident of - Flat No. 104, Parkview Apartment, South Shri Krishna Puri, P.s.- Shri Krishna Puri, Town and District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Urban Development and Housing, Govt.of Bihar, patna
2. The Additional Chief Secretary Department of Urban Development and Housing, Govt. of Bihar, Patna
3. The Collector District- Nalanda
4. The Sub Divisional Officer Hilsa, District- Nalanda
5. The Executive Officer Nagar Parishad Hilsa, District- Nalanda

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Madhu Prasun, Advocate Ms. Mintoo Kumari, Advocate
For the Respondent/s	:	Mr.Rajiv Kumar Sinha, AC to AAG 7 Ms. Indu Bhushan, Advocate Mr. Siddhartha Prasad, Advocate Mr. Om Prakash Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 06-09-2022 Petitioner has prayed for the following relief(s):-

- (i) **FOR** issuance of appropriate Writ / Writs, Order / Orders, Direction / Directions commanding the Respondents concerned especially Respondent No. – 5 i.e. the Executive Officer, Nagar Parishad Hilsa, Nalanda to make immediate payment to the Petitioner for his works done against tender dated 16/11/2018 and subsequent agreement and work order with regard to integrated services of Municipal Solid Waste, which have been withhold since more than six months and due to which the Petitioner is unable to make payments to his poor and helpless labourers, who are now on the verge of starvation.



- (ii) **FOR** issuance of appropriate Writ / Writs, Order / Orders, Direction / Directions commanding the Respondents especially Respondent No. – 5 to provide the Petitioner land for dumping of garbages and its further processing, which till date inspite of several reminders has not been provided to the Petitioner although the same is integral part of the agreement.
- (iii) **FOR** issuance of appropriate Writ / Writs, Order / Orders, Direction / Directions commanding the Respondents to take work from the Petitioner only as per the terms of the agreement and in case any extra work is taken, the Petitioner must be paid for the same and for that a schedule of rates as required must be prepared at an immediate.
- (iv) **FOR** issuance of appropriate Writ / Writs, Order / Orders, Direction / Directions commanding the Respondents especially Respondent No. – 5 to allow the Petitioner to carry out his works smoothly and to further restrain the Respondent No. – 5 not to harass the Petitioner for her personal grudge towards him and not to manufacture concocted and false reasons to cancel his agreement.
- (v) **FOR** issuance of appropriate Writ / Writs, Order / Orders, Direction / Directions commanding the Respondents concerned especially Respondent No. – 5 to give the Petitioner the details of payment made to him against his bills, which are very much less and vague and remove the discrepancies in the tender and work order made deliberately in order to harass the Petitioner and to make payment to the Petitioner against his bills in relation to work done by him on instructions apart from the terms of agreement.
- (vi) **FOR** issuance of appropriate Writ / Writs, Order / Orders, Direction / Directions commanding the Respondents to act in terms of the agreement only without any arbitrariness and to make payments to the Petitioner only, who is solely liable to make payment to his staffs / labourers.



(vii) **FOR** any other relief / reliefs for which the Petitioner is entitled under law.

After the matter was heard for some time, finding the Court not to be in favour with the submissions made across the Bar, learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition reserving liberty to take recourse to such other remedies, as are otherwise available, in accordance with law.

Permission granted.

We are sure that as and when any such proceedings are initiated, before the appropriate forum/Tribunal, the same shall be considered and decided expeditiously, in accordance with law.

Needless to add, period for which the petitioner has been pursuing the matter before this Court, shall be excluded for the purpose of computing limitation.

It is made clear that we have not expressed any opinion on merits. All issues are left open.

The petition stands disposed of as withdrawn with the liberty aforesaid.



Interlocutory application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/-

U			
---	--	--	--

