

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2815 of 2023

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NNT Developers Pvt. Ltd. Having its Registered Office at 104, Sri Ram Tower, Near Jalan Shop, Kankarbagh, P.S. Kankarbagh, District- Patna, Bihar through its Director, Suyash Kumar, aged about 48 years, Male, son of Sri Rajendra Prasad Singh, resident of 103, Mahendra Lok Apartment, Doctors Colony, Kankarbagh, P.S.- Kankarbagh, District- Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Engineer in Chief, Flood Control and Water Dispersal, Water Resources Department, Government of Bihar, Patna.
3. The Chief Engineer, Flood Control and Water Dispersal, Water Resources Department, Katihar, District- Katihar, Bihar.
4. The Superintending Engineer, Mahananda Flood Control Circle, Katihar, District Katihar, Bihar.
5. The Executive Engineer, Flood Control Division, Karha Gola, District- Katihar, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate
For the Respondent/s : Mr. Vikash Kumar (SC11)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

2 28-02-2023 In the instant petition, petitioner has prayed for the following reliefs:-

(i) Quashing of the Notice to Show Cause contained in Letter No. 139 dated 04.02.2023 (Annexure 5) issued by the Executive Engineer, Flood Control Division, Karha Gola (Respondent No. 5) asking the petitioner to Show Cause against the contemplated action of recession of Agreement No. 02 / SBD/ 2019 -20 upon the



alleged failure to perform the repairing of Flood Protection Works:

(ii) Direction upon the Engineer in Chief (Respondent No. 2) to approve the proposal for deviation etc. which has been forwarded by the Chief Engineer vide Letter bearing Memo No. 2248 dated 16.07.2022 (Annexure 4) in view of the admitted completion of the work as per the quality and specification and is still pending; and
(iii) Restraining the Respondents from giving effect to the Show Cause Notice contained in Letter No. 139 dated 04.02.2023 (Annexure 5) and from taking any coercive action during the pendency of the present writ application and/or without the leave of this Hon'ble Court.

Prima facie, the petitioner has assailed the show cause notice dated 04.02.2023 and consequential action. The Writ Court cannot interfere with the show cause notice unless and until it is contrary to any statutory rules or issued by any incompetent authority both the ingredients are not forthcoming in the present petition.

Accordingly, the writ petition stands dismissed reserving liberty to the petitioner to submit his explanation to the show cause notice dated 04.02.2023 at the earliest.

The concerned authority is hereby directed to take note of petitioner's explanation and proceed to pass final order. In the meantime, the concerned respondent shall not take any



action against the petitioner till final order is passed.

Learned counsel for the petitioner submitted that show cause notice is bereft of material information. In the event petitioner seeks any material information, the concerned authority shall examine as to whether the petitioner is entitled of such material information or not? If he is entitled, in such circumstances, the same shall be provided to him. Petitioner is hereby directed to co-operated in the matter.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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