

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6518 of 2019

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Shashikant Rai @ Shashi Kant Rai Son of Lalan Rai Partner M/s Shivam Enterprises, R/o Village-Taranpur, P.S.-Rajpur, P.O- Gosainpur, District Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Buxar.
2. The Collector-cum-the District Magistrate, Buxar
3. The District Panchayat Raj Officer, Buxar
4. The Deputy Collector Land Reform, Buxar
5. The Sub-Divisional Officer, Buxar
6. The Circle Officer, Rajpur, Buxar
7. The Officer-in Charge, Revenue, Buxar
8. The Superintendent Local Area Engineering Organization, Patna Division Patna
9. The Executive Engineer, Local Area Engineering Organization, Work Division, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr. Anjani Kumar (AAG-4)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 24-02-2023

None appears for the petitioner.

2. In the instant petition, petitioner has prayed for following reliefs:-

"That, the present Writ application is being filed for issuance of direction to the Respondents especially to the Respondent No- 9 to give work order for construction of Panchayat Sarkar Bhawan at



village Khiri in place of village Dewadhiya under the Rajpur Block, Buxar in pursuance to the order/direction dated 4.10.2017 given by the District Magistrate, Buxar."

3. *Prima facie*, petitioner was successful bidder and he was awarded the contract on 12.12.2013. Thereafter, he had not executed the work in the manner known to the law like agreement and other issues.

4. From perusal of the records it is revealed that land for construction of Panchayat Sarkar Bhawan was not available at village – Dewadhiya, in the result there was no proposal for alternative village for construction of Panchayat Sarkar Bhawan. The earlier award of work contract dated 12.12.2013 cannot be taken into consideration for the purpose of execution of Panchayat Sarkar Bhawan in a different village, for the reasons that petitioner was successful bidder in so far as construction of Panchayat Sarkar Bhawan at Dewadhiya in Rajpur Block. If the land is not available, in such circumstances, petitioner cannot be provided work in an alternative village. He has no vested statutory right to seek implementation of the award of contract dated 12.12.2013 to some other village etc., Further, it is to be noticed that petitioner had cause of action on 12.12.2013 whereas the present writ petition is filed in the year



2019. Sufficient time has elapsed. Even on this count, writ petition is not maintainable.

Accordingly, the present writ petition stands dismissed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

rakhi/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	01.03.2023
Transmission Date	N.A.

