

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5628 of 2023

M/s Vijay Kumar Singh Construction Pvt. Ltd. having its Registered Office at North Mandiri, Chhakkan Tola, P.S. Budha Colony, Patna, Bihar through its Director, Manish Kumar, aged about 35 Years, Male, Son of Sri Vijay Kumar Singh, Resident of North Mandiri, Chhakkan Tola, P.S. Budha Colony, Dist-Patna, Bihar.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Engineer in Chief, Rural Works Department, Government of Bihar, Patna.
3. The Chief Engineer, Rural Works Department, Government of Bihar, Patna.
4. The Superintending Engineer, Rural Works Department, Works Circle, Nalanda, District Nalanda, Bihar.
5. The Executive Engineer, Rural Works Department, Works Division, Harnaut, District Nalanda, Bihar.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan, Advocate
For the Respondent/s : Mr.P.K. Shahi (AG)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-05-2023 Heard learned counsel for the petitioner and the State.

The petitioner in the present case is seeking the following reliefs:-

- “(i) Direction upon the Respondents to close the Agreement No. 20/ SBD/ 2020-21 dated 24.02.2021 and issue completion certificate in connection with the construction work of Road T011 near Rukhai Halt to Kakanpur including five years maintenance;
- (ii) Release of the Security Deposit and performance Guarantee which has been deposited in connection with the Agreement No. 20/ SBD/ 2020-21 dated 24.02.2021; and
- (iii) Restraining the Respondents from taking any



coercive action in connection with Agreement No. 20/ SBD/ 2020-21 dated 24.02.2021 during the pendency of the instant Writ application; and / or without the leave of this Hon'ble Court."

It is the case of the petitioner that out of the length of 0.870 meters, he has completed the construction work but on account of a Railway line passing through the road on which construction was to be done and the fact that it was an unman level crossing without any gate/barrier, the construction work on an area of about 308 meters across the Railway line was not possible.

The petitioner has stated lack of co-operation from the Railway authorities. He has requested the Engineer In-charge to either close the agreement or to issue appropriate directions/guidelines so that the construction work could be resumed but it is the case of the petitioner that the letter written by the petitioner as contained in Annexure '5' to the writ application has remained unattended.

Learned counsel for the State submits that presently he has no instruction, however, in case the petitioner has made any representation/request to the Engineer In-charge, the same will be considered and an appropriate decision thereon shall be communicated to the petitioner within a reasonable period.

Having regard to the aforementioned facts and



circumstances and the submissions noted hereinabove, this Court directs the competent authority to look into the representation/letter of the petitioner as contained in Annexures ‘5’ and ‘6’ to the writ application and take an appropriate decision thereon keeping in view the facts and circumstances of the case within a period of one month from the date of receipt/production of a copy of this order.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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