

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6887 of 2022

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Sunil Kumar Son of Late Maheshwar Thakur Resident of Village- Sir Ganesh Dutta Nagar, Rewa Road, Bhagwanpur, P.S.- Muzaffarpur Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Water Resource Department, Govt. of Bihar, Patna.
2. The Engineer in Chief, Flood Control and Drainage, Water Resource Department, Patna.
3. The Joint Secretary, Flood Control and Drainage, Water Resource Department, Patna.
4. The Chief Engineer, Flood Control Division and Drainage, Water Resource Department, Muzaffarpur.
5. The Superintendent Engineer, Flood Control Division and Drainage, Water Resource Department, Muzaffarpur.
6. The Executive Engineer, Flood Control Division, Water Resource Department, Muzaffarpur.
7. The Assistant Engineer, Flood Control Sub Division- 3, Water Resource Department, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashank Chandra, Advocate
For the Respondent/s : Mr. Vinay Kirti Singh (Ga2)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 12-12-2023 1. Though the present writ petition has been filed for quashing the order dated 06.04.2022, issued by the Executive Engineer, Flood Control, Division Muzaffarpur, as contained in letter dated 07.04.2022, asking the petitioner to deposit a sum of Rs.3,66,452/- on the head of the cost of 25360 EC Bags, which are stated to be missing, however, a limited issue has been raised by the learned counsel for the petitioner to the effect that prior to issuance of the said order dated 06.04.2022, no opportunity has



been granted to the petitioner to put forth his defense, hence the said action of the respondent no.6 is arbitrary and perverse, as also in violation of the principles of natural justice, thus fit to be set aside.

2. Per contra, the learned counsel appearing for the respondents has submitted that the respondents would definitely give an opportunity to the petitioner to put forth his defense and then take a final decision in the matter and till then no coercive action shall be taken against the petitioner. It is directed accordingly.

3. It is needless to state that the respondent no.6 shall be obliged to issue a show cause notice to the petitioner, within a period of two weeks from today whereupon the petitioner shall file a reply within a period of four weeks, thereafter and then the respondent no.6 shall consider the same, in accordance with law and pass a reasoned and a speaking order, forthwith and till then no recovery shall be made from the petitioner.

4. Consequently, the order dated 06.04.2022, passed by the respondent no.6 stands quashed.

5. The writ petition stands allowed.

(Mohit Kumar Shah, J)

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