

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17024 of 2013

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Santosh Kumar Singh Son Of Late Bireshwar Singh Resident Of Village-
Prabhunath Nagar Tandi, P.S.- Chhapra Muffasil, District- Saran At Chapra

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors Government Of Bihar, Sultan Place, Birchand Patel Path
2. The Principal Secretary, Revenue And Land Reforms Department, Government Of Bihar, New Secretariat, Patna
3. The Divisional Commissioner, Saran-Cum-The Chairman Regional Transport Authority, Saran At Chhapra
4. The Collector-Cum-District Magistrate, Saran At Chhapra
5. The Deputy Development Commissioner, Saran At Chapra
6. The Joint Commissioner-Cum-Secretary, Regional Transport Authority, Saran At Chhapra

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Adv.
For the Respondent/s	:	Mrs. Binita Singh, SC-28
	:	Mr. Nishant Kumar Jha, AC to SC-28

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL JUDGMENT

Date : 11-10-2023

Heard the learned counsels for the parties.

The present writ petition has been filed for the following

relief(s):-

“1. That this is an application for issuance of a writ of certiorari for quashing of the order bearing Memo No.223/Legal dated 02.02.2013 (Annexure-8) by which the interest has been denied to paid to the petitioner by respondent No.4 on the amount which has been unauthorisedly held by the respondent in very illegal and erroneous manner. Even though the respondent has earned upon deposited amount i.e, more than fifty lacs between



09.04.2007 to 23.08.2007 deposited by the petitioner and also earned upon paid proportionate refund i.e. 15,15090 Rs. to the petitioner between 24.08.2007 to 21.03.2011. And also for issuance of writ of mandamus for directing the Respondent to paid up-to-date interest at the rate of 18% to the petitioner upon the amount unauthorizedly held by the respondents.”

3. Learned counsel for the petitioner has stated that the petitioner had participated in the tender for collection of the toll for Nagar Bus-stand Chapra. Further, it is stated that the petitioner being the successful bidder on 09.04.2007 and deposited an amount of Rs. 50,00,251/- (Fifty Lakhs Two hundred Fifty One) However, the perwana was not issued to the petitioner and the perwana was issued after a lapse of more than four and a half months and, therefore, the petitioner had to sustain losses. Thereafter, the petitioner has filed CWJC No. 11768 of 2007 for proportionate refund of the amount paid by him and this Court vide order dated 13.10.2009 has allowed the CJWC. The respondents authorities pursuant to the order of the High Court have paid the proportionate amount in March, 2011. However, the respondents have not paid the interest on the delayed payment. Learned counsel has stated that the petitioner has paid the bid amount way back in the year 24.08.2007 and the proportionate amount of Rs. 15,55,090/- (Fifteen Lacs Fifty Five thousand and



Ninety) was paid to the petitioner on 21.03.2011 i.e. after a lapse of about almost four years. Learned counsel has further stated that the authorities are bound to pay the interest on the above said amount and the petitioner cannot be put to loss for the lapses made by the authorities. Therefore, learned counsel has prayed this Hon'ble Court to allow the present writ petition.

4. Per contra, the learned counsel appearing on behalf of the respondent has vehemently opposed the very maintainability of the present writ petition and stated that pursuant to the direction issued by this Hon'ble Court vide order 13.10.2009 in CWJC No. 11768 of 2007, the authorities have refunded the proportionate amount of the bid amount to the petitioner. That the authorities duly taking into consideration the orders of this Hon'ble Court have passed necessary orders for refund of the proportionate amount on 21.03.2011 and paid the amounts immediately. Learned counsel has stated that on the earlier occasions when the petitioner has approached this Hon'ble Court, there was no direction to pay the interest and the said order has become final. Subsequently, the petitioner has filed another writ petition vide CWJC No. 22341 of 2011, but the petitioner himself has withdrawn the same on 18.04.2012. That the delay caused in paying the proportionate amounts is due to administrative reasons and the same cannot be



faulted with. Learned counsel has further stated that the authorities have paid the proportionate amounts within a reasonable time therefore, no interest can be granted to the petitioner.

5. Admittedly, in the present case, the petitioner has approached this Hon'ble Court vide CWJC No. 11768 of 2007 (Annexure 3) for the relief of refund of proportionate amounts out of the total amount deposited. This Court vide order dated 13.10.2009 has passed the following order which is held as under;

“Having heard counsel for the parties, I direct the Collector, Saran at Chapra to consider the request of the petitioner to refund the proportionate amount out of Rs. 55 lacs pursuant to notice, Annexure-1, as he could collect the tolls in the light of the parwana issued by the authorities with effect from 24.08.2007. Accordingly, the proportionate refund of the amount for the period between 09.04.2007 till 23.08.2007 is required to be considered and proportionate refund be allowed as early as possible, in any case within one month from the date of receipt/production of a copy of this order. In case the authorities are not agreeable to allow such refund, they should pass reasoned order indicating reasons for not granting the request of the petitioner within the same time.”

6. Thereafter, the authorities have passed the order dated 21.03.2011 and paid the proportionate amount to the petitioner. As rightly pointed out by the learned counsel for the respondents, it is not a case where the authorities have taken number of years for



refunding the said amount. The authorities have refunded the amount on 21.03.2011 after orders of the Hon’ble High Court which was passed on 13.10.2009 in CWJC No. 11768 of 2007. The delay if any caused is only due to administrative exigencies and cannot be termed as deliberate or wanton on part of the authorities concerned. It is not the case of the petitioner that many years have passed from the date of order passed by this Court to the date of action taken.

7. Having regard to the above made facts and circumstances, this Court does not find any merit in the present writ petition which warrants any interference from this Court. The relief sought for cannot be granted and accordingly the present writ petition is dismissed, however without cost.

(A. Abhishek Reddy, J)

Ayush/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.10.2023.
Transmission Date	N/A

