

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19850 of 2015

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Anil Kumar Singh Son of Late Indrajeet Singh, Resident of Mohalla -
Santoshi Maa Path, Gourakshni, Road No. 11(C) P.O. Sasaram, P.S. -
Sasaram, District - Rohtas, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Govt. of Bihar, Vishesvaraya Bhawan, Patna.
2. The Engineer-in-Chief Rural Works Department, Govt. of Bihar, Vishesvaraya Bhawan, Patna.
3. The Chief Engineer- 1, Rural works Department, Govt. of Bihar, Vishesvaraya Bhawan, Patna.
4. The Superintending Engineer, Rural Works Department Sasaram Circle, Near Takiya Rerihary Gumti, Sasaram, Rohtas.
5. The Executive Engineer, Rural Works Department, Division - II, Gourakshani, P.O. P.s. - Sasaram, District – Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Jai Shankar Barnawal, GA-5

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

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

3 04-07-2023 None appears for the petitioner.

2. Matter is of the year 2015.

3. In the instant petition, petitioner has prayed for the
following relief(s):-

*“1. That the instant writ application
has been filed for issuance of writ of
Mandamus/ direction(s) to the respondent No. 5
for stay the operation of illegal black listing
proceeding vide letter No. 849 dated
01.10.2015, illegal recovery order vide letter*



No. 847 dated 29.11.2014 for Rs. 8,26,948/- and illegal Agreement rescinding and forfeiture order of the Security deposits and earnest money Rs. 4,03,452/- and its 4% Interest vide letter No. 579 dated 30.08.2013 (Annexure-1 Series).

The aforesaid illegal act of respondent No. 5 directly interferes the proceeding of Bihar Public Works Contracts Disputes Arbitration Tribunal, Patna (hereinafter refer as BPWCDAT) and also effects the fate of the case which is pending in the Hon'ble Tribunal Vide Ref. Case No. 157/2014 (Annexure-5). In the said Ref. Case respondent No. 5 is knowingly not filing his reply. Only the dates are being fixed for reply but in absence of respondents reply, further proceeding is lingering.

Therefore, the operation of the impugned Annexure-1 series may be stayed or quashed in the interest of Justice. In similarly situated case vide C.W.J.C. No. 4009/2015 (Annexure-3) the impugned order of such recovery had been stayed by the Hon'ble Court on 09.04.2015."

4. Perusal of the records, it is evident that petitioner has not been heard in the matter in the form of specific notice insofar as impugned actions *vide* letter No. 849 dated 01.10.2015. On this short ground, impugned action of the respondent stands set aside, reserving liberty to the official respondent to proceed, in accordance with law like issuance of a detailed specific show cause notice and receipt of petitioner's explanation, if any. Thereafter, proceed to pass a speaking order and communicate the decision to the petitioner. Competent Authority is requested to take note of various judicial pronouncements on the issue including latest decision viz., ***Isolators and Isolators through its Proprietor Mrs. Sandhya Mishra vs. Madhya Pradesh Madhya Kshetra***



Vidyut Vitran Co. Ltd. and Anr, reported in *2023 SCC Online SC*
444.

5. The above exercise shall be completed within a
period of four months from today.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

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