

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10997 of 2022

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M/s. Brijnandan Singh through its Partner Brijnandan Singh, aged about 62 years, Male, son of Late Mangru Singh, Resident of Village Lahthan, P.S. Agiaon Bazar, District Bhojpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Engineer in Chief, Water Resources Department, Government of Bihar, Patna.
3. The Under Secretary, Water Resources Department, Government of Bihar, Patna.
4. The Chief Engineer, Flood Control and Drainage, Water Resources Department, Patna.
5. The Executive Engineer, Sone Flood Protection Division, Khagaul, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan
For the Respondent/s : Mr. Vikash Kumar, Advocate
Mr. Sriram Krishna, AC to SC-11

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL JUDGMENT

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

Date : 06-07-2023

Instant petition has been filed for following reliefs:



(i) For quashing of the ex-parte Inspection Report dated 06.08.2021 submitted by the two Members Flying Squad of the Water Resources Department making certain adverse remarks against the quality of work executed by the petitioner without affording any opportunity.

(ii) For quashing of the consequential Notice to Show Cause contained in Letter No. 638 dated 21.02.2022 issued by the Under Secretary, Water Resources Department upon instructions of the Government whereby penal actions have been contemplated in terms of Rule 11 (ka)(ii) of the Bihar Contractors Registration Rules 2007 solely on the basis of the exparte enquiry report; and

(iii) Restraining the Respondents from proceeding further in connection with Notice to Show Cause dated 08.02.2022 contained in Letter No. 638 contemplating action under the Bihar Contractors Registration Rules 2005 against the petitioner during the pendency of instant writ application.”

2. Learned counsel for the petitioner submitted that the present matter is squarely covered by the decision of this Court dated 15.03.2023, passed in C.W.J.C. No. 1320 of 2023.

3. The same has not been disputed by the learned counsel for the respondents.

4. Accordingly, the present petition stands allowed.



5. The Inspection Report dated 06.08.2021 and Notice to the show-cause contained in Letter No. 638, dated 21.02.2022 (Annexure-3) stands set aside in the light of the order dated 15.03.2023, passed in C.W.J.C. No. 1320 of 2023, reserving liberty to the concerned officials to proceed in accordance with law and the concerned authority is hereby directed to take note of the observation made in the above-cited writ petition.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

skm/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	12.07.2023
Transmission Date	

