

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15389 of 2019

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Gajanan Constructions having head office at Gajanan Niwas, Near Gaya College, Jail Road, Gaya (Bihar) through its proprietor Mr. Vishvanath Singh @ Vishva Nath Singh, aged about - 31 Years, Gender- Male, s/o Dr. Surendra Yadav @ Surendra Yadav, resident of Gajanan Niwas, Near Gaya College, Jail Road, P.O.- Civil Lines, P.S.- Rampur, Gaya (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Minor Water Resources Department, Govt. of Bihar at Patna.
2. The Principal Secretary Minor Water Resources Department, Govt. of Bihar at Patna.
3. The District Magistrate Gaya.
4. The Chief Engineer Minor Water Resources Department, Govt. of Bihar at Patna.
5. The Executive Engineer Minor Water Resources Department, Govt. of Bihar at Patna
6. The Superintendent Engineer (Headquarter-Monitoring) Minor Water Resources Department, Govt. of Bihar at Patna
7. The Assistant Engineer Minor Water Resources Department, Govt. of Bihar (Gaya Division) at Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanchay Srivastava, Advocate Mr. Sourav Suman, Advocate Mr. Sushant Shrivastava, Advocate
For the Respondent/s	:	Mr. Durgesh Nandan, AAG-14

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

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

7 26-04-2023 In the instant writ petition, petitioner has prayed for
the following relief(s):-

*“I. That the present writ application is
being filed for issuance of an appropriate
writ(s)/ order(s)/ direction(s) in the nature of
Certiorari for quashing and setting-aside the*



Letter No. 740 dated 04.07.2019 issued by the Respondent No. 4 (contained in Annexure-P/18) by which the petitioner has been directed to complete the work/ project awarded to the petitioner by 22.07.2019 otherwise the petitioner would be restrained from executing the said project from 23.07.2019 and the work order/ contract awarded to the petitioner shall be terminated and other coercive actions shall be taken against the petitioner and the on the ground that the same has been done in haste and without application of mind and without considering the actual facts and circumstances of the case.

II. That the present writ application is being filed for issuance of an appropriate writ(s)/ order(s)/ direction(s) in the nature of Certiorari for quashing and setting-aside the Letter bearing Memo No. 1776 dated 15.07.2019 issued by the Respondent No. 3 (contained in Annexure-P/19) by which the petitioner has been directed to complete the work/ project awarded to the petitioner by 22.07.2019 otherwise the petitioner would be restrained from executing the said project from 23.07.2019 and the work order/ contract awarded to the petitioner shall be terminated and other coercive actions shall be taken against the petitioner and the on the ground that the same has been done in haste and without application of mind and without considering the actual facts and circumstances of the case;

III. That the present writ application is being filed for issuance of an appropriate writ(s) order(s) direction(s) in the nature of mandamus for a direction to the concerned Respondents to make actual/ due payments to the petitioner for the work rendered by the petitioner and to rescind the penalty imposed on MB (Measurement Book) on the petitioner;

IV. That the present writ application is being filed for issuance of an appropriate



writ(s)/ order(s)/ direction(s) in the nature of mandamus for a direction to the concerned Respondents to not en-cash the Performance Guarantee/ Security Deposit furnished by the petitioner at the time of entering into the said contract.

V. That the present writ application is being filed for issuance of an appropriate writ order/ direction(s) in the nature of Mandamus for a direction to the concerned respondents to allow the petitioner to continue executing the work order for which tender/ contract has been awarded to the petitioner,.

VI. That the present writ application is being filed for issuance of an appropriate writ order/ direction(s) in the nature of Mandamus for a mandatory injunction commanding the concerned respondents to forthwith withdraw, rescind and/or cancel the Letter No. 740 dated 04.07.2019 issued by the Respondent No. 4 (contained in Annexure-P/18) and Letter bearing Memo No. 1776 dated 15.07.2019 issued by the Respondent No. 3 (contained in Annexure-P/19);

VII. That the present writ application is being filed for issuance of an appropriate writ(s)/ order(s)/ direction(s) in the nature of mandamus for ex-parte ad interim stay on the Letter No. 740 dated 04.07.2019 issued by the Respondent No. 4 (contained in Annexure-P/18) and Letter bearing Memo No. 1776 dated 15.07.2019 issued by the Respondent No. 3 (contained in Annexure-P/19); and further for restraining the respondents from taking any coercive action in terms of the said Orders against the petitioner;

VIII. And for issuance of any other relief or relief(s) for which the petitioner is entitled for.”

02. During pendency of the present petition, by various interim directions of this Court, the petitioner is stated



to have completely executed the work in the year 2022.
Therefore, nothing remains in the present matter. If any
payments are due to the petitioner, he is at liberty to approach to
the concerned authority. Concerned authority is hereby directed
to examine and resolve the same in accordance with law.

03. With the above observation, the present writ
petition stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Ashish/-
Daya/-

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