

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16993 of 2019

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Chandra Shekhar Singh Son of Late Yogendra Singh Proprietor M/S C.S. Construction, Gayatri Nagar, Motihari, Resident of Mohalla-Gayatri Nagar, Police Station-Motihari Town, District-East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Govt. of Bihar, Patna
2. The Principal Secretary Building Construction Department, Govt. of Bihar, Patna
3. The Engineer in Chief Building Construction Department, Govt. of Bihar, Patna
4. The Executive Engineer Building Construction Division, Motihari, District-East Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate
For the Respondent/s : Mr. Manoj Kr. Ambastha (Sc26)
Mr. Subodh Kumar, AC to SC-26

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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)

5 14-03-2023 In the instant petition, petitioner has prayed for the following relief(s):-

“1. A. A writ in the nature of "Certiorari" or any other appropriate writ / writs, order / orders for quashing the letter / order containing Memo No. 794 dated 14.06.19 issued by the Respondent No. 4. The Executive Engineer. Building Construction Division, Motihari,



whereby and whereunder the petitioner debarred from participating in future tender on the ground that he has not completed the Work of Construction of Block cum Circle Office cum Residential Building Ramgarhwa within the stipulated period, without asking show cause and also without considering the reasons assigned by the petitioner that the site was not free from encumbrance (Annexure -2).

B. A writ in the nature of Mandamus or any other appropriate writ/ writs, order/orders, direction/directions commanding the respondents for the following

I. To allow the petitioner to participate in future tender.

II. To allow the petitioner to complete the remaining work of construction of Block cum Circle Office cum Residential Building Ramgarhwa which the further period of six months.

III. To direct the respondent authority to remove the encumbrance as the petitioner will complete the remaining work as soon as possible.

C. To any other relief / reliefs for which the petitioner is entitled for and the Hon'ble Court deems fit and proper.”

Learned counsel for the petitioner submitted that before impugned action dated 14.06.2019 was issued by the 4th respondent, The Executive Engineer, Building Construction Division, Motihari, District – East Champaran has not provided opportunity of hearing like issuance of show cause notice and



other formalities. The same is not disputed by the learned counsel for the State.

In the light of these facts and circumstances, impugned action dated 14.06.2019 of 4th respondent is liable to be set aside. Accordingly, it is set aside, writ petition stands allowed, reserving liberty to concerned authority to proceed in accordance with law, if it is warranted at this juncture.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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