

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14295 of 2015

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M/s Neel Khruv Construction Company Son of Late Ramanand Mishra,
resident of Gandak Colonoy Road, Raghunathpur, Motihari, P.s.- Turkauliya,
District- East Champaran Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department,
Government of Bihar, Patna
2. The Engineer-in-Chief, Rural Works Department, Govt. of Bihar, Patna
3. The Chief Engineer- 3, Rural Works Department, Govt. of Bihar, Patna
4. The Superintending Engineer, Rural Works Circle, Sitamarhi, Bihar
5. The Executive Engineer, Rural Works Department, Works Division,
Sheohar, Bihar
6. The Assistant Engineer, Rural Works Department, Works Division, Sheohar,
Motihari Bihar
7. The Junior Enineer, Rural Works Department, Works Division, Sheohar,
Motihari, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh, Advocate
For the Respondent/s	:	Mr. Kumar Alok, SC-7
		Mr. Satyeshwar Prasad, AC to SC-7

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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)

4 26-06-2023 In the instant petition, the petitioner has prayed for the
following relief(s):-

*“i) For issuance of writ in the nature
of certiorari or any other appropriate writ for
quashing the letter no. 235 dated 6-4-2015
issued under the signature of Executive
Engineer Rural Works Department, work
Division Sheohar address to petitioner whereby*



and where under M/S Neel Dhruv Construction Company Performance and security deposit amount is being seized and also to recovered the Government Fund.

ii) For issuance of writ in the nature of mandamus or any other appropriate writ, order or direction to the respondents to make payment of performance as well as security deposit amount agreed by the respondent at the time of Agreement bearing SBD/ PMGSY/ Missing link 15 of 2008-09

iii) For holding that respondent can't invoke clause 53.1 of General condition of contract and clause 26 of contract data (Annexure-1) between M/S Neel Dhruv Construction Company and respondents (Execution Engineer) as himself has not acted on the application of the petitioner (Annexure- 3 and 4).

iv) For issuance of any other appropriate writ/ order/ direction which your lordships may deem fit and proper in the facts and circumstances of the case.”

2. During pendency of the present petition, the concerned respondent has finalized the impugned order, which is subject matter of the present litigation, before filing of the present writ petition on 11.11.2013, followed by blacklisting the petitioner on 14.10.2014. These two decisions have not been



assailed by the petitioner by means of interlocutory application-
amendment of writ petition. It is about one decade in not
questioning the decision dated 11.11.2013 and further
blacklisting, therefore question of granting liberty at this
distance of time is not fair.

3. Accordingly, the present writ petition stands
dismissed.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

Amrendra/-

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