

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1380 of 2023

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Shyam Kishor Yadav, Son of Late Nageshwar Prasad Yadav, Resident of
Village-Maruki, P.O.-Kumma, P.S.-Sursand, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. Engineer in Chief Cum Addl. Commissioner Cum Special Secretary, Road Construction, Department, Govt. of Bihar, Patna.
3. Chief Engineer (Com) North Bihar, Wing Road Construction, Department, Darbhanga.
4. Superintending Engineer, North Bihar Road Circle, Road Construction, Department, Muzaffarpur.
5. Executing Engineer, Road Division, Road Construction, Department, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate
For the Respondent/s : Mr. Uday Prasad AC to GP 22

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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)

2 27-02-2023 In the instant petition, petitioner has prayed for

following reliefs:-

(I) Whether the petitioner is entitled to receive the security deposit under clause 41 of the agreement dated 19.05.2008 entered between the petitioner and respondent for construction of Charuat-Belwa Path in Sitamarhi District?

(II) Whether the respondents are justified to withhold the security deposit without assigning any reason to the petitioner?

(III) Whether the respondents are justified for not disposing the representation of the petitioner



arbitrarily and illegally in contravention of the clauses of the Agreement dated 19.05.2008?

(IV) Whether the petitioner is entitled to interest upon security deposit refunded report beyond the stipulated period?

Short question for consideration is whether the petitioner is entitled to refund of EMD amount or not. In this regard, petitioner had submitted representation vide Annexure-4. There is inaction on the part of the concerned authority. Hence, the petitioner approached this Court.

In the light of these facts and circumstances, 5th respondent- Executive Engineer, Road Division, Road Construction Department, Sitamarhi is hereby directed to take note of the grievance of the petitioner in the representation vide Annexure-4 and proceed to pass reasoned order within a period of four weeks from the date of receipt of this order and also communicate the order to the petitioner.

Accordingly, the present writ petition stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

DKS/-
Balmukund/-

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