

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7124 of 2024

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1. Sharma Ravi Das S/o of Late Adhik Das Resident of village - Madrani, P.S. Rangra, District - Bhagalpur (Bihar).
 2. Pintu Kumar Singh, S/o Shobhakant Singh, Resident of village - Madrani, P.S. Rangra, District - Bhagalpur (Bihar).
 3. Kanti Devi, W/o Ratneshwar Prasad Singh, Resident of village - Madrani, P.S. Rangra, District - Bhagalpur (Bihar).
 4. Kamani Devi, W/o Manoj Prasad Singh, Resident of village - Madrani, P.S. Rangra, District - Bhagalpur (Bihar).
 5. Saurav Kumar, S/o Kalish Ram, Resident of village - Madrani, P.S. Rangra, District - Bhagalpur (Bihar).
 6. Kumar Gaurav, S/o Niranjana Singh, Resident of village - Madrani, P.S. Rangra, District - Bhagalpur (Bihar).
 7. Shambhu Kumar Singh, S/o Chandeshwari Prasad Singh, Resident of village - Madrani, P.S. Rangra, District - Bhagalpur (Bihar).
 8. Saurav Kumar, S/o Dhaneshwar Sah, Resident of village - Madrani, P.S. Rangra, District - Bhagalpur (Bihar).
 9. Sushant Kumar Singh @ Sushant Kumar, S/o Anant Prasad Singh, Resident of village - Madrani, P.S. Rangra, District - Bhagalpur (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Old Secretariat, Patna.
2. The Commissioner, Division Bhagalpur, District- Bhagalpur.
3. The District Magistrate, District - Bhagalpur.
4. The District Panchayat Raj Office, District - Bhagalpur.
5. The Sub Divisional Officer, Naugachia, District - Bhagalpur.
6. The Block Development Officer, Rangra Chouk, District - Bhagalpur.
7. Ajit Kumar Singh @ Munna Singh Mukhiya Gram Raj Panchayat Madrauni, P.S. - Rangra, District- Bhagalpur.
8. M/s Abhiraj Enterprises, Proprietor Mithlesh Kumar Singh Gram Raj Panchayat Madrauni, P.S. - Rangra, District- Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dhramveer, Adv.
For the Respondent/s : Mr.Government Pleader 02

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER



2 18-07-2024

1. The present writ petition has been filed seeking the following relief(s):-

“1.(a) To issue a writ in the nature of Certiorari to quash the letters bearing Memo No.1228, 1230, 1227, 1225 and 1229 dated 12.05.2023 13.05.2023 and further letters bearing Memo No.554, 555, 556, 557 and 558 dated 13.02.2024 (Annexure-04 series) issued by the District Panchayat Raj Officer, Collectorate, Bhagalpur whereby and whereunder direction has been given to the petitioners to deposit rest of the amount with interst @ 9 % , which was taken under the planning to complete the work in ward no.1 2, 4, 7 and 8.

(b) To hold and declare the order under challenged in the letter issued without consideration of the actual fact in terms of legal form.”

2. At the outset, the learned counsel for the petitioners submits that though the petitioners are ready to pay the amount in question, as has been asked to be deposited by them, vide notices issued by the District Panchayati Raj Officer, Bhagalpur, in lieu of the amount paid in excess to the vendor, i.e. M/s Abhiraj Enterprises, Naugachiya, however, they be granted liberty to recover the same from the said M/s Abhiraj Enterprises, Naugachiya, as also from the respondent no.7, i.e.



Ajit Kumar Singh, by availing such remedies as are otherwise available under the law. Liberty so sought is granted.

3. At this juncture, the learned counsel for the petitioners submits that since the petitioners are not at fault and in fact, they have been duped by the aforesaid M/s Abhiraj Enterprises, Naugachiya, the interest amount be waived off.

4. Considering the aforesaid prayer of the petitioners as also having an equitable consideration, I deem it fit and proper to direct that in case the respective amounts, required to be paid by the petitioners are deposited within a period of four weeks from today, no interest shall be charged on the principal amount.

5. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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