

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5643 of 2023

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1. Awadh Kumar Sahni Son of Asarfi Sahni, Resident of Village and P.O.-Sukhasan, P.S.-Barari, Distt-Katihar, elected Secretary Ganga Koshi Navik Nao Yatayat Sahyog Samiti Ltd. Barari.
 2. Ganga Koshi Navik Nao Yatayat Sahyog Samiti Ltd Barari through its Secretary Awadh Kumar Sahni (Male) aged about 48 years son of Asarfi Sahni, Resident of Village and P.O.-Sukhasan, P.S.-Barari, Distt-Katihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Katihar.
2. The Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Katihar.
3. Neeraj Kumar Singh, son of Manoj Kumar Singh, resident of Village-Gunjra, P.O.-Bishanpur, P.S.-Barari, District-Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ram Nibash Prasad, Advocate
For the Respondent/s	:	Mr. Satya Vrat AC to GP-10
For respondent no.3	:	Mr. Binod Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

8 26-02-2024 Heard learned counsel for the petitioners, State as
also respondent no.3.

2. The petitioners have prayed for the following
reliefs:

*(i) for quashing the settlement of one ghat
namely Bakiya Chataiya Ghat situated within
the operational area of the petitioner's society
with the respondent no.3 through open bid for
the settlement period 2023 to 2024 (01.04.2023
to 31.3.2024);*



(ii) for a direction commanding upon the respondent no.2, the Deputy Development Commissioner-cum-Chief Executive Officer, Katihar to settle the ghat namely Bakiya Chataiya Ghat situated within operational area of the petitioner no.2 society with the petitioner's society on the basis of reserve jama for the settlement period 2023 to 2024 (01.04.2023 to 31.3.2024) or in alternative the ghat in question may be settled with the petitioner's society for the remaining settlement period after accepting the proportionate amount of highest bid amount.

3. Learned counsel for the petitioner candidly submits that with the passage of time and during the pendency of the writ petition, the 2023 to 2024 period is about to lapse and in that background, the Society will be taking fresh steps for participating in the fresh bid relating to the year 2024-2025.

4. It is his further submission that the Society shall be approaching the respondent no.2, the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Katihar with all valid documents to show that the Society has to



be given preferential treatment and/or can be granted the lease on the highest bid amount in the tender.

5. This Court will not make any opinion in the matter and it shall be the duty of the respondent no.2 to look into all the documents which will be submitted by the petitioner's Society and take appropriate decision on it within a period of four weeks from the date, the petitioner submits his representation.

I.A. No. 01 of 2023.

6. The respondent no.3 who was the successful bidder in the year 2023-2024 also has a grievance inasmuch, according to him, after he successfully got the bid, on 25.4.2023 itself, a coordinate bench in the present case, stayed the settlement of Bakiya Chaitaya Ghat in his favour. According to him, this stay continued till date, though he had deposited Rs. 4,05,000/- and in view of the fact that due to stay, he never had the fruits of the said bid, he is entitled to the refund.

7. It is for the respondent no.2 again to look into the matter, if an appropriate representation is filed by the successful bidder and in that case, he has to pass the necessary order and refund the amount if the said respondent no.2 came to the conclusion that he is entitled to refund of any amount.

8. I.A. No. 01 2023 stands disposed of.



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9. This Court makes it clear that it has not made any comment on the merit of the case and it is entirely for the respondent no.2 to decide the representation so preferred in accordance with law.

10. The writ petition is disposed of.

(Rajiv Roy, J)

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