

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9657 of 2023

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1. Vidya Sagar, S/o Late Shankar Prasad, resident of Ward No. 16, Sadar Bazar Near Mahabiir Manddir Jagdishipur, P.S. Jagdishpur District - Bhojpur.
 2. Ravi Kumar, Son of Deep Narayan Prasad, Resident of Mohalla- Thana Road, Ward No. 13, Jagdishpur, P.S. Jagdishpur, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principle Secretary Urban Development and Housing Department Govt. of Bihar, Patna.
2. The District Magistrate Bhojpur at Ara.
3. The Sub-divisional Officer Jagdishpur, Bhojpur.
4. The Executive Officer Nagar Panchayat Jagdishpur, Bhojpur, Ara.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak, Adv.
For the Respondent/s : Mr.Abbas Haider (Sc6)

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

6 11-07-2024 Head learned counsel for the parties.

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

“ for issuance of appropriate writ /writs, order/orders, direction/directions to the respondent authority specially Respondent no. 4 for payment of security Deposit amounts of several Bills which is not paid to the petitioners till date inspite of tender conditions.”

3. This Court vide order dated 08.09.2023 has directed the petitioners to take out notice to the Respondent No. 4 and the same has been taken. A report has been submitted by



the office stating that the notices have been served on the Respondent No. 4. Thereafter, this Court vide order dated 04.07.2024 has directed the Registry to verify if any Vakalatnama is filed on behalf of the Respondent No. 4 or not. A report has been submitted that till date no Vakalatnama has been filed on behalf of the Respondent No. 4.

4. Having regard to the fact that the Respondent No. 4 is duly served and no appearance is filed on his behalf, he is set ex-parte.

5. Learned counsel appearing on behalf of the petitioner has stated that the petitioner has completed various works in the year 2018-19 and 2019-20. However, the authorities have retained 5% of the total bill as security deposit. That even though the works are completed and the bills paid, the authorities have not refunded the 5% security amount that has been retained by the authorities. Learned counsel appearing on behalf of the petitioner has stated that the petitioner has made several representations to the authorities concerned and drawn the attention of this Court to Annexure 3 series, wherein the petitioner has made his grievance to the Respondent No. 4 to refund of the security amount retained by the authorities.

6. Counter affidavit has been filed by the Respondent



No. 1 saying that they have no role to refund the security amount and the Executive Officer, Nagar Panchayat Jagdishpur, Bhojpur (Respondent No. 4) is a competent authority to answer the prayer sought for in the present writ petition.

7. Having regard to the same, the present writ petition is disposed of directing the Respondent No. 4 to release the 5% amount which has retained by them as security deposit as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above direction, the present CWJC stands disposed of.

(A. Abhishek Reddy , J)

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