

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15597 of 2022**

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Neeraj Kumar Dhandhaniya Son of Late Bhawani Shankar Dhandhaniya  
Resident of Bengali Tola, Ward No.- 25, P.S.- Town, District- Samastipur,  
Proprietor of M/S Shree Shankar Steels, Ward No. 25, Bengali Tola,  
Samastipur.

... .. Petitioner/s

Versus

1. The Union of India through Department of Railways, Rail Bhawan, Raisina Road, Connaught Place, New Delhi 110001.
2. The Senior Divisional Material Manager, Eastern Central Railway, Dhanbad.
3. The Divisional Railway Manager, Eastern Central Railway, Dhanbad.
4. The General Manager, Eastern Central Railway Hajipur.
5. The Principal Chief Material Manager, Eastern Central Railway, Hajipur.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|-----------------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Arun Kumar, Advocate<br>Mr. Raghubir, Advocate                                            |
| For the Respondent/s | : | Mr. Additional Solicitor General<br>Mr. Subodh Kr. Jha, Sr. CGC<br>Mr. Satyendra Kr. Jha, CGC |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

25     22-07-2024                      The petitioner is aggrieved with Annexure-1 order and the learned counsel for the petitioner relies on the judgment dated 11.08.2022 passed in CWJC No. 10801 of 2022 wherein it is asserted that similar cryptic orders were set aside and the matter was remanded for consideration. The petitioner also submits that when the petitioner requested two days time to lift the stock, the respondents gave only one day time.

2. In the cited judgment we see the order passed is



without any reason and almost in-comprehensible. The series of orders passed in the said case against the appellant therein is as follows:-

*“It is informed that you have purchased the subject lot in e-auction dated 02.12.2021 is forfeited.”*

3. There is absolutely no ground in the said order. However, in the impugned order, in the above writ petition, at Annexure-1 there is a specific ground that the petitioner was asked to lift the subject scrap lot, within 7 days from issue of the letter referred, and that he did not lift such scrap which led to the subject lot being forfeited and money deposited against the said lot also being forfeited. There is sufficient ground insofar as the finding that the scrap was not lifted within the 7 days from issue of the letter referred to in the order.

4. Learned counsel for the respondent-the Railways submits that in fact many extensions were given and only on the last demand also not being complied with, the forfeiture was carried out.

5. We do not think that there is any parallel with the judgment cited before us. However, the learned counsel for the petitioner also informed us that there is no arbitration clause. In such circumstances, the petitioner would have to approach the



proper Civil Court if at all Annexure-1 is disputed, since, it is a matter of evidence as to whether the letter was issued and received and when the scrap was sought to be lifted in accordance with the letter which also should be in accordance with the tender conditions. We find absolutely no reason to invoke the remedy under Article 226 of the Constitution of India. We give liberty to the petitioner to approach the Civil Court subject to laws of limitation. We make it clear that we have not observed anything on the merits and merely recorded the rival contentions raised by the parties before us.

6. The writ petition stands rejected, with the above liberty.

**(K. Vinod Chandran, CJ)**

**( Partha Sarthy, J)**

Harsh/-

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