

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4643 of 2024

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Marghubur Rahman son of Muzaffar Shaukat, Resident of Masjid Gali,
Panchaitya Akhara, Police Station- Kotwali and District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Urban Development
Department, Government of Bihar, Patna.
2. The Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Gaya.
4. Gaya Municipal Corporation, Gaya through it Municipal Commissioner,
Gaya.
5. The Municipal Commissioner, Gaya Gaya Municipal Corporation, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Aryan Singh, Advocate
For the Respondent/s : Smt. Anuradha Singh (SC 21)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-03-2024



The petitioner, a contractor, is before this Court claiming that despite repeated publication of the tender for establishment of a market place and bus stand, none has applied because of Clause-23 of the Notice Inviting Tender (NIT). Clause-23 of the NIT reads that any action taken by the district administration against the location of the bus stand and market place established as per the tender, would not put the authority to any liability, if the same is to be shifted or removed on the ground of encroachment. It is the submission of the learned counsel for the petitioner that merely because of this, there has been no person applying for the tender and the petitioner also seeks, that the condition may be removed.

2. The Municipal Corporation has floated the tender with a specific condition, wherein, they have absolved themselves of any liability in the circumstance of the district administration proceeding against the facilities implemented in a location. It is their wisdom in having such a clause, and if they do not get any tenderer then probably the establishment of the market place and bus stand would not be fructified. It is for them to take appropriate decision and it is not for this Court to interfere with a clause, introduced by the authority with due thought. The petitioner, in any event, does not have any *locus standi*. If he



wants to subject himself to the disclaimer, he can apply or otherwise he can choose not to apply.

3.The writ petition stands dismissed.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
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