

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6224 of 2025

1. Pramod Kumar S/o Hari Rai, R/o Village-Jiriya, Ward No. 03, P.S.-Lauriya, District-West Champaran, Bihar.
2. Rambabu Prasad, S/o Shankar Prasad, R/o Village-Lauriya Bazar, Ward No. 12, P.S.-Lauriya, District-West Champaran, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Collector, West Champaran, Bettiah, Bihar.
4. The Circle Officer, Narkatiyaganj, Bihar.
5. The Executive Officer, Nagar Panchayat Lauriya, West Champaran, Bihar.
6. Chairman Nagar Panchayat Lauriya, West Champaran, Bihar.
7. Nand Kishore, S/o Hira Sah, R/o Village-Dumri, P.S.-Yogapatti, District-West Champaran, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vishwajeet Kumar Mishra
For the Respondent/s : AC to SC-28
Mr. Satyabir Bharti, Sr. Adv
Mr. Abhishek, Adv
Ms. Kanupriya, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-04-2025 1. Heard learned counsel for the petitioners, learned
AC to SC-28, learned counsel appearing on behalf of Nagar
Panchayat *Lauriya* and the learned senior counsel appearing on
behalf of the respondent No. 7.

2. The learned counsel appearing on behalf of the petitioners submits that an Advertisement No. 1 of 2025-26 was issued by the Respondent No. 5 for settling three *Shairats*, namely "Vehicle Parking", "*Lauriya* Festival (Mela)" and "*Lauriya* Market (Bazaar)". It is next submitted that the bids



were to take place on 5-3-2025 and if not on 5-3-2025 then on 6-3-2025 and if not on 6-3-2025 then on 7-3-2025 at 11:00 am. It is further submitted that the time for participating in the bid of Vehicle Parking was fixed at 11 am, for *Lauriya* Festival the time was fixed at 11:30 am and for *Lauriya* Market the time was fixed at 1 p.m. Further, the security deposit with respect to Vehicle Parking was Rs. 7,61,100/-, for *Lauriya* Festival Rs. 2,72,100/- and for *Lauriya* Market Rs. 52,800/-.

3. It is submitted that petitioner No. 1 along with Respondent No. 7 participated in the bid for Vehicle Parking and *Lauriya* Market, while petitioner No. 2 along with respondent No. 7 participated for the bid of *Lauriya* Festival. It is next submitted that petitioner No. 1 had also participated in the bid for *Lauriya* Market but then opted out. It is further submitted that thereafter petitioner No. 2 and Respondent No. 7 participated in the *Lauriya* Market bid at 11 a.m. as it was taken up first, the Petitioner No. 2 was declared the successful bidder at Rs. 30,47,630/-, while respondent No. 7 bid amount was Rs. 30,17,555/-. It is also submitted that Respondent No. 7 deposited a Demand Draft (DD) of Rs. 30,00,000/-.

4. It is next submitted that thereafter Petitioner No. 1 and Respondent No. 7 participated in the bid for Vehicle



Parking, which was taken subsequent to the bid of *Lauriya* Market, in which the respondent No. 7 was declared successful as his bid amount was Rs. 1,20,28,873/-, while the bid amount of the petitioner No. 1 was Rs. 1,19,09,775/-. It is submitted that since Respondent No. 7 was not able to furnish the amount, which he had bid for Vehicle Parking, as such the bid was given to the second highest bidder, i.e., Petitioner No. 1, and thereafter an agreement dated 5-3-2025 was also executed, but subsequently the Respondent No. 7 made a complaint before the Collector, Bettiah, who cancelled the Advertisement No. 1 of 2025-26 by his order dated 2-4-2025, which is impugned in the instant writ application.

5. The learned senior counsel appearing on behalf of the Respondent No. 7, Shri Satyabir Bharti, submits that the Advertisement No. 1 of 2025-26 has been rightly cancelled by the District Magistrate, Bettiah, West Champaran, for the reason that a specific complaint was made by Respondent No. 7 that in pursuance of Advertisement No. 1 of 2025-26, the bid for Vehicle Parking was to commence at 11 am and for *Lauriya* Market at 11:30 am, but the Respondent No. 5, for reason best known, conducted the bid of *Lauriya* Market first and thereafter started the bidding of Vehicle Parking, it was further alleged that



the Respondent No. 7 was the successful bidder for Vehicle Parking, but was not able to deposit the said amount for the reason that the DD of 30 lakhs, which he had deposited while bidding for *Lauriya* Festival, was not returned to him, as such he became short of some money. It is further submitted that the District Magistrate also took note of the fact that Advertisement No. 1 of 2025-26 was published in the newspaper on 28-2-2025 and the last date for depositing the security deposit was 3-3-2025; and 1-3-2025 and 2-3-2025 were Saturday and Sunday, as such the time granted for depositing the security deposit was not sufficient, further he also held that the advertisement for the aforesaid settlements was not widely circulated.

6. It is also submitted by the learned senior counsel appearing on behalf of the Respondent No. 7 that in pursuance of cancellation of Advertisement No. 1 of 2025-26 by the order of the Collector dated 2-4-2025, new advertisement has been issued on 9-4-2025 and the last date fixed for submitting the security deposit is 19-4-2025 and the bids are to take place on 21-4-2025, on which the learned counsel appearing on behalf of the petitioners submits that since the amount which they had deposited with the Respondent No. 5 has not been returned, as such are facing difficulty in participating in the fresh



advertisement, which was issued on 9-4-2025, on which the learned counsel appearing on behalf of the State submits that the the amount which the petitioners submitted with the Respondent No. 5 in pursuance of Advertisement No. 1 of 2025-26 is with the Respondent No. 5 as submitted by the learned counsel appearing on behalf of the petitioners and if what has been submitted by the learned counsel appearing on behalf of the petitioners is correct in that event the said amount can be utilised by the Respondent No. 5 for permitting the petitioners to appear in the bid, which is to commence on 21-4-2025.

7. The said submission of the learned counsel appearing on behalf of the State is also not disputed by the learned counsel appearing on behalf of the Respondent No. 7.

8. After hearing the learned counsel for the parties, the writ application is disposed of giving liberty to the Respondent No. 5 to allow the petitioners to participate in the bid, which is to commence on 21-4-2025, in lieu of the amount which is lying with him of the petitioners as submitted by the learned counsel appearing on behalf of the petitioners.

9. It is made clear that the Respondent No. 5 will have the discretion to adjust the amount of the petitioners lying with the Nagar Panchayat towards security amount with respect to



the aforesaid 3 bids.

10. The writ application is disposed with the aforesaid observation.

(Satyavrat Verma, J)

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