

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12391 of 2022

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1. Mansi Matsyajibi Sahyog Ltd., Mansi, District - Khagaria through its Chairman.
 2. Naresh Prasad Sahni, Aged about - 56 years, Male, Son of Late Vishundev Prasad Sahni, Resident of Village - Chukti, P.S. - Mansi, District - Khagaria, the Chairman of Mansi Matsyajibi Sahyog Samiti Ltd. Mansi, District - Khagaria.

... .. Petitioner/s

Versus

1. The Union of Indian through the Chairman, Ministry of Railway (Railway Board), Rail Bhawan, Raisina Marge, Rajpath Area, Central Secretariat, New Delhi-110001.
2. The General Manager, East Central Railway, Hajipur, Vaishali.
3. The Divisional Railway Manager (Engineering), East Central Railway, Sonapur, Chhapra.
4. Divisional Engineer, East Central Railway Sonapur, Chhapra.
5. Th Assistant Divisional Engineering, Bihpur, East Central Railway.
6. The Keshav Construction, Samastipur through its Proprietor, Sanjay Kumar Yadav.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Krishna Kumar, Adv.
For the Respondent/s : Mr. Awadhesh Kumar Pandey, Sr. CGC
Mr. Ravindra Kumar Sharma, CGC
Mr. Lokesh, Adv.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL JUDGMENT

Date : 12-05-2026

Heard the learned counsel for the parties.



2. The petitioner has challenged the financial bid against the Tender No. 055EE23-23-30 opened on 17.06.2022 by the Sr. Division, Engineer, East Central Railway, Sonapur for licensing the work of water control and fishing right in Section - Mansi (In)-Pasraha (Ex) from Km 116/00 to 92/10 on the Railways land under the jurisdiction of ADEN/THB for the period of 36 months, *i.e.*, for the period from 01.04.2022 to 31.03.2025 (as contained in Annexure-4) as also the entire proceeding arising out of Tender No. 055EE22-3-03 opened on 17.06.2022 through which the tender has been finalized in favour of private respondent No. 6, the Construction Company, ignoring the petitioner society and further, in the nature of *mandamus*, for directing and commanding the respondent/Railways to settle/grant license of the said work to the petitioner society in the terms and condition No. 5(8) of the Tender Document, bearing Tender No. 055EE22-23-03, and also in the terms of the Letter No. 814/WZ/18/117 dated 19.01.1987 and 05.04.1989 issued by the Railways Board.

3. The learned counsel for the respondent/Railways submits that the counter affidavit on behalf of the Railways has been filed and from perusal of paragraph - 5 of the same, it would be clear that the tender, in question, has culminated with



efflux of time as the period of such tender has already expired and, therefore, the present writ petition has become infructuous. It has further been submitted that the interlocutory application filed by the petitioners is for staying the subsequent tender, which was published on 06.02.2026, which is a completely separate cause of action and the same cannot be entertained in the present writ application.

4. This Court, on perusal of the records, finds that the prayer made in the original writ application indeed has become infructuous on account of the lapse of time and the tender attaining finality. The filing of the interlocutory application will also not help the petitioners as by the said interlocutory application, the petitioners have challenged the subsequent tender issued for the pond in question.

5. The ground taken by the petitioners that the Award of tender in favour of private respondent No. 6 was palpably illegal as it was against the policy decision of the respondent/Railways and as such, the grant of tender to private respondent No. 6 would not be said to be in consonance with the notification issued by the Railways and, therefore, any tender issued contrary to such policy decision and guidelines, should be entertained by this writ Court.



6. In view of such submission and taking into account that the petitioners have the liberty to challenge the subsequent *e*-tender notice dated 06.02.2026 through a separate writ application, the present writ application is disposed of with a liberty to the petitioners to challenge the open *e*-tender notice dated 06.02.2026 through a separate writ application.

7. The writ application stands disposed of with the liberty aforesaid.

8. Interlocutory application(s), if any, also stands disposed of.

(Sourendra Pandey, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14.05.2026
Transmission Date	N/A

