
(2023) 04 JH CK 0034

In the Jharkhand High Court

Case No : Writ Petition (C) No. 1895 Of 2023 IA No. 3529 Of 2023

Sai Vihar Construction Pvt. Ltd

APPELLANT

Vs

State Of Jharkhand And Others

RESPONDENT

Date of Decision : 18-04-2023

Acts Referred:

Citation : (2023) 04 JH CK 0034

Hon'ble Judges : Anubha Rawat Choudhary, J

Bench : Single Bench

Advocate : Suraj Singh, Vikas Kumar, Ranjeet Kumar, Amrit Raj Kisku

Final Decision : Disposed Of

Judgement

Anubha Rawat Choudhary, J

1. Heard the Learned counsel for the parties.

2. This writ petition has been filed for the following reliefs:-

"a) a writ in the nature of certiorari for quashing the notice dated 19.01.2023 as contained in Annexure-7 issued by Respondent No.3 to the petitioner directing petitioner to deposit outstanding amount of Rs 2,70,700/- of the financial year 2021-22 and 2022-23 in terms of clause 3 of the agreement.

(b) a writ in the nature of certiorari for quashing the letter dated 27.02.2023 as contained in Annexure-9 issued by Respondent No.3 to the petitioner directing petitioner to deposit outstanding amount of Rs. 2,70,000/- otherwise the agreement will be cancelled.

(c) a writ in the nature of certiorari for quashing the letter dated 03.04.2023 as contained in Annexure-10 again issued by Respondent No.3 to the petitioner directing him to deposit outstanding amount of Rs. 2,70,000/- otherwise the agreement will be cancelled.

(d) Upon quashing the aforesaid notice and letters issued by Respondent No.3, a

writ in the nature of mandamus for a direction upon the concerned respondents to handover the management of boating to the petitioner in terms of tender document and agreement dated 31.08.2021.

(e) a writ in the nature of mandamus for a direction upon the respondent no. 3 to act strictly in terms of the tender document and agreement dated 31.08.2021 and to further restrain the respondents from violating the terms of agreement dated 31.08.2021.

(f) During the pendency of the instant writ petition, for an appropriate interim order restraining the respondents from taking any coercive action against the petitioner and further interim order restraining the respondents from terminating the agreement dated 31.08.2021.

I.A. No. 3529 of 2023

2. Learned counsel for the respondents has submitted that fresh advertisement which has been issued on 11.04.2023 calling for tender has been cancelled on 15.04.2023 and therefore I.A. No. 3529 of 2023 has become infructuous. Counsel for the petitioner also does not dispute that in view of the submission made by the respondent I.A. No. 3529 of 2023 has been infructuous.

3. Accordingly, I.A. No. 3529 of 2023 is dismissed as infructuous.

W.P. (C) No. 1895 of 2023

4. At the out set , learned counsel for the Respondent municipality has submitted that till date, the agreement entered between the parties i.e. petitioner and respondent No. 3 has not been cancelled so far . He has further submitted that so far as Annexure-10 is concerned, the petitioner can represent before the respondent No. 3 for consideration of his grievance and respondent No. 3 may be directed to proceed in accordance with law.

2. Although the petitioner has made multiple prayers but the petitioner is primarily aggrieved by the letter dated 03.04.2023 (Annexure-10) by Respondent No.3 whereby the petitioner has been directed to deposit the alleged outstanding amount of Rs. 2,70,000/-and it has been mentioned that on account of non-deposit, the agreement will be cancelled.

3. This court is of the considered view that the grievance of the petitioner can be considered by the respondent No. 3 as the agreement has not yet been cancelled.

4. Accordingly, this writ petition is disposed of enabling the petitioner to approach the respondent No. 3 by filing a detailed representation/reply to the letter No. 479 dated 03.04.2023 (annexure-10) and also to the earlier letters issued by the respondent no.3 within a period of one week from today. Upon filing of such representation/show cause, the respondent No. 3 shall consider the show cause/reply of the petitioner and pass a reasoned order in accordance with law within a period of one week thereafter after giving an opportunity of hearing to the petitioner or his authorized representative. The reasoned order be

communicated to the petitioner through speed post and/or through e.mail, the details of which be provided by the petitioner in the representation itself.

5. Considering the fact that the petitioner has challenged the show cause itself, therefore this court has not entered into merit or otherwise of the case of the petitioner.

6. This writ petition is accordingly disposed of.