

---

**(2020) 01 JH CK 0064**

**In the Jharkhand High Court**

**Case No : Writ Petition (C) No.1143 of 2013**

Third Eye Communication (P) Ltd

APPELLANT

Vs

Ranchi Municipal Corporation And Ors

RESPONDENT

---

**Date of Decision : 31-01-2020**

**Acts Referred:**

Constitution Of India, 1950 — Article 226

**Citation : (2020) 01 JH CK 0064**

**Hon'ble Judges : Sujit Narayan Prasad, J**

**Bench : Single Bench**

**Advocate : Arpan Mishra, L.C.N. Shahdeo**

**Final Decision : Dismissed**

---

## **Judgement**

This writ petition is under Article 226 of the Constitution of India, whereby and whereunder, the order dated 30.11.2012 passed by the Chief Executive Officer, Ranchi Municipal Corporation, Ranchi, has been assailed, by which, the petitioner had entered into an agreement for installation and maintenance of guardrails in the road lying within the Ranchi town has been rescinded as also the agreement pertaining to the said work has been cancelled.

It is the case of the petitioner that the aforesaid decision has been taken without issuing any notice and therefore, the impugned order is in violation of principle of natural justice, hence not sustainable.

Mr. L.C.N. Shahdeo, learned counsel appearing for the respondent-Ranchi Municipal Corporation in short, R.M.C. by putting reliance upon the counter affidavit filed on their behalf has submitted that action has been taken in a very extreme situation, since the petitioner has not complied with the terms and conditions of the agreement which caused people inconvenience and not only that the work which was to be performed is for installation and maintenance of guardrails which is upon the divider of the road of the Ranchi city and due to negligence on the part of the petitioner, the same may cause major road accident

and therefore, after waiting for sufficient time, when the work has not been started, show-cause notice dated 14.03.2012 contained in letter no.883 was issued as would appear from Annexure-D to the counter affidavit filed on 13.06.2013 and adverse decision has been taken on the basis of the aforesaid fact and therefore, contention which has been raised about the principle of natural justice, is incorrect.

He further submits that even averment made in the counter affidavit has not been disputed, since no response to the affidavit filed on behalf of the respondent-R.M.C., has been filed.

This Court after having heard the learned counsel for the parties and on perusal of the material available on record the fact which is not in dispute in this case is that the R.M.C. respondent herein had invited an expression of interest by publishing advertisement in the local newspaper inviting invitation to create, manage and maintain the project of guardrails for an initial period of 10 years with renewing option for another period of 5 years on the satisfactory maintenance of guardrails in lieu of exclusive advertisement display rights on these guardrails.

The petitioner along with others had participated in the aforesaid process of allotment of the work and in pursuance to the scrutiny made upon the candidature of one or the other petitioner, has been found to be successful. The respondent Corporation has entered into an agreement on 16.08.2007.

It further appears that the work has not been started, therefore, a show cause notice was issued on 14.03.2012 as would appear from Annexure-D to the counter affidavit asking the petitioner in reply, as to why his agreement be not rescinded and cancelled as because the report was submitted by the petitioner that the work has been commenced but in course of inspection, it was found by the authority that the guardrail which said to have been maintained has been found to be broken and also in the tilted position leading to interruption of the traffic as also the possibility of the road accident.

The case of the petitioner is that the agreement has been rescinded without issuance of notice, is found to be incorrect, in view of the show cause notice dated 14.03.2012, and as such this Court is constrained to observe this as because the counter affidavit has been filed by the respondent-R.M.C. but no response to the said affidavit has been filed and therefore, whatever has been stated in the counter affidavit would be said to be admitted on the part of the petitioner.

In view thereof, the contention and the sole ground for assailing the impugned order dated 30.11.2012 which according to the petitioner, is in violation of principle of natural justice is not found to be correct.

Learned counsel for the petitioner has not raised any other issue assailing the said order, save and except, the question of violation of principle of natural

justice.

This Court on the basis of the aforesaid discussion and looking to the material available on record, is of the view that the petitioner has failed to make out a case showing inference in the impugned order.

Accordingly, this writ petition is dismissed.

In consequence thereof, I.A. No.4478 of 2015 stands disposed of.