



IN THE HIGH COURT OF JUDICATURE AT BILASPUR

Writ Petition No. 2438/2001

PETITIONER

: Safique Ahmed,
S/o
aged about years.
R/o Teba Chouk, Talapara,
Bilaspur.

P. R. No. 2440
Presented by Shri. Vijay Prasad
dated 20/11/2001

-Versus -

RESPONDENTS

1. State of Chhattisgarh
Through: Department of
Health Services, Secretary,
Health Department, D.K. Bhawan,
Bhopal.
2. Civil Surgeon cum Chief
Medical Officer,
Sardar Patel Chikitsalaya,
Bilaspur.
3. Collector,
Bilaspur.



WRIT PETITION UNDER ARTICLE 226/227 OF THE
CONSTITUTION OF INDIA FOR ISSUANCE OF A
WRIT OF MANDAMUS, CERTIORARI, PROHIBITION
AND/OR ANY OTHER SUITABLE WRIT, ORDER OR
DIRECTION TO DO JUSTICE.

आदेश पत्रक

मामला क्रमांक

WP 2438

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विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p><u>13.12.2001 :</u></p> <p>Shri Prashant Jaiswal learned counsel for the petitioner.</p> <p>Shri Gautam Bhaduri for the respondents.</p> <p>Heard.</p> <p>The tenders were submitted. The tender papers were opened. However, before the acceptance was communicated to the writ petitioner, the petitioner declined to accept any contract as a result of the said tender. The petitioner had deposited an earnest money of Rs. 40,000/- and security amount of Rs. 1,900/-. It is stated by Shri Jaiswal that subsequently the contract has been allotted to a third person. The said contractor has already deposited a sum of Rs. 45,000/- as the first instalment. Hence the contract work is being carried out by the said third person. The petitioner has approached this Court by filing the writ petition under Article 226 of the Constitution of India seeking a direction to be issued to the respondents to refund the aforesaid earnest money of Rs. 40,000/- together with the security amount of Rs. 1,900/-. It is stated that there is no condition in the tender notice as regards forfeiture of the earnest money and the security deposit etc.</p>	

[पीछे देखिये]

आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<p>Shri Jaiswal submits that this kind of an act of the State surely attracts the application of exercise of power of this Court under Article 226 of the Constitution of India. As against this Shri Gautam Bhaduri submits that the matter relates to a contract. The remedy sought for in this petition is as regards refund of the earnest money and also the security amount deposited by the writ petitioner for the purpose of securing some work by submitting tender papers. It is stated by Shri Bhaduri that the remedy clearly lies before a competent civil Court and not before this Court.</p> <p>On perusal of the averments of this petition and after hearing counsel appearing for both the sides, I am of the opinion that the matter at issue has arisen out of a pure and simple contract work. The remedy sought for is also as regards refund of earnest money and security amount. In such a situation I am not inclined to hold that the writ petitioner is entitled to have a remedy from this Court in exercise of extra ordinary jurisdiction under Article 226 of the Constitution of India. In my view, the remedy lies before a competent authority</p> <p>In the result this petition is rejected.</p> <p>Certified copy as per rules.</p>	
	J	<p>Sd/- Chief Justice</p>