

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4907 of 2009

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Chamru Chaudhary, Son of Shri Raghunath Choudhary, resident of Village-
Pokharia, P.S.- Balia, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Begusarai.
2. The Deputy Development Commissioner, Begusarai.
3. The Block Development Officer, Balia, Begusarai.
4. The secretary, Minor Irrigation Department, Bihar Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Prasad, Advocate.

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 13-01-2015 Heard learned counsel for the petitioner. No one
appears for the State.

2. The prayer of the petitioner in this writ application
reads as follows:

"1. This is an application for issuance of a writ in the nature of Mandamus or other appropriate writ/s, order/s, direction/s commanding the respondents to make payment of out standing admitted dues of Rs. 1,72694/- alongwith 15% penal interest per annum from the date of execution of work till the date of payment for fixing submersible Boring in Balia Block, Begusarai under District Rural Development fund minor irrigation Scheme. "

3. Learned counsel for the petitioner, having referred to
the averments made in the writ application and different annexures
enclosed to it, has submitted that the claim of the petitioner for a
sum of Rs. 1,72694/- is admitted amount and its payment even as
per last letter of the Deputy Development Commissioner,

Begusarai dated 11.02.2010 (Anenxure-7) addressed to the Deputy Secretary of the Minor Irrigation Department of the Government of Bihar, would itself bear it out that there is no dispute of any nature whatsoever so as to deprive the petitioner from receiving payment of the aforesaid admitted amount.

4. There is no counter affidavit in this case nor learned counsel for the State has appeared to oppose the prayer of the petitioner.

5. Keeping in view the last communication of the Deputy Development Commissioner, Begusarai dated 11.02.2010 (Annexure-7) requisitioning of fund of Rs. 1,72694/- for making payment to the petitioner, this Court would direct the respondent authorities of the Minor Irrigation Department to examine as with regard to release of fund for making such payment to the petitioner and if such fund has not been released as yet, a decision may be taken on the aforementioned requisition on the Deputy Development Commissioner, Begusarai, within a period of three months from the date of receipt of a copy of this order.

6. It goes without saying that if the fund has already been released in response to the aforementioned letter no. 480 dated 11.02.2010 for making payment of admissible and payable amount, to the petitioner, there would be no need of again

releasing the fund and in that event Deputy Development Commissioner Begusarai shall make payment of admissible and payable amount within a period of one month from the date of receipt of this order but if the funds have not been released as yet, the competent authority will be under obligation to take a decision firstly with regard to admissibility of the claim of the petitioner and secondly with regard to release of fund for making payment of admissible amount. In any event, the Deputy Development Commissioner, Begusarai, will be under obligation to pass a final order either releasing the amount in favour of the petitioner or at least communicating the petitioner the reason for non-payment of such amount.

7. With the aforementioned observation and direction, this writ application is disposed of.

(Mihir Kumar Jha, J)

Sujit/-

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