

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4384 of 2009

=====

Dev Narayan Rai, son of Hari Charan Rai, resident of Village Makdumpur
Bijaiya, Post Office Manda, P.S. Mansurchak, Dist. Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary-cum-Commissioner, Rural Development Department,
Government of Bihar, Patna.
3. District Magistrate, Begusarai.
4. The Deputy Development Commissioner, Begusarai.
5. The Director, Accounts, Administration and self Employment
Department, Begusarai.
6. The Executive Engineer, Minor Irrigation Division, Begusarai.
7. The Assistant Engineer, Minor Irrigation Sub-Division No.2,
Begusarai.
8. The Block Development Officer, Mansoor Chak, Begusarai.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. K.K. Jha (SC18)

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 13-01-2015 No one appears for the petitioner. Learned counsel for
the State is present.

In this writ application, the petitioner has prayed for
the following relief:-

- "1. *That this is an application for issuance of a writ of mandamus directing/commanding the respondent authorities to make payment to the petitioner for the work done by him with interest @ 18% per annum, which the respondents have not paid as yet due to lack of fund (Annexure-4), and/or be pleased to grant such other relief or reliefs to which petitioner is found entitled in the eyes of law.*"

As would appear from reading of the writ application



and specially the letter of the Executive Engineer of Minor Irrigation Department, Begusarai addressed to the Director, District Rural Development Agency, Begusarai that the payment of the amount claimed by the petitioner has been withheld only on account of non-release of the requisition fund.

The respondents, having not filed its counter affidavit in this case, have also withheld the reason for non-payment of the amount being claimed by the petitioner in this writ application.

Let it be noted that there does not appear to be the dispute with regard to completion of the allotted work to the petitioner relating to installation of 4" diameter boring in the agricultural lands of marginal farmers. Thus, if there is no dispute with regard to the work done by the petitioner, he ought to have been made payment of the admitted amount.

That being so, this Court would direct the competent authority including the respondent no.2 to 6 to ensure that if the admissible amount claimed by the petitioner in this writ application has not been paid as yet to him, a decision in this regard must be taken within a period of three months followed by actual payment, if any, within next one month.

Let it be, however, made clear that in absence of any counter affidavit, this Court has not finally adjudicated such claim

of the petitioner on merit.

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

(Mihir Kumar Jha, J)

Rishi/-

U			
---	--	--	--