

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3294 of 2010

Bindeshwar Yadav Construction Pvt. Ltd. through Managing Director Bindeshwar Yadav, S/O Late Jugeshwar Yadav, R/O Vill.- Hariraha Rustampur, P.O. Belahi, Bhawanipur, P.S. Laukahi, Distt.- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar through Secretary C.P.W.D., Bihar, Patna
2. The Engineer-in-Chief (North) Bihar, Patna
3. The Superintendent of Engineer C.P.W.D., Darbhanga
4. The District Magistrate, Madhubani
5. The Executive Engineer P.M.G.S.Y. Project Division, C.P.W.D., Madhubani
6. The Sub-Divisional Officer (Engineer) P.M.G.S.Y. Project Division, C.P.W.D., Madhubani
7. The Junior Engineer, P.M.G.S.Y., Project Division, C.P.W.D., Madhubani
8. The Nav Nirman Bihar Construction Pvt. Ltd. through Navkant Yadav, Managing Director R/O Vill.- Ekamma, P.O. Basamiya, P.S. Laukaha, Distt.- Madhubani

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Lakshmendra Kumar Yadav
For the Respondent/s : Mr. P.K.Verma, AAG-5
Dr. Mankeshwar Tiwari, AC to AAG-5
Mr. Ram Anurag Singh CGC

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL JUDGMENT
Date: 12-02-2015

Heard the parties.

The petitioner has filed the present writ petition seeking a direction to the official respondents to allow him to complete his works from Banarjhuli to Anaharban Road under P.M.G.S.Y. scheme in pursuance of the works order dated 11.09.2009 (Annexure-1) issued under the signature of the Executive Engineer, R.D.W. (W) Division, Jhanjharpur, who has not been impleaded as party respondent in the present proceeding.

From plain reading of the work-order, as contained in Annexure-1, it is apparent that the petitioner was granted permission to commence the work w.e.f. 11.09.2009 and he was required to complete the same on or before 10.09.2010. There is no averment in

the writ petition that pursuant to the aforesaid work order the petitioner has executed even part of the works allotted to him.

A counter-affidavit was filed way back on 6th April, 2012 on behalf of the respondent no. 1, 2 and 4 after service of its copy upon the learned counsel appearing on behalf of the petitioner. In paragraph-3 of the aforesaid counter-affidavit it has been stated that before the work could have been started by the petitioner for construction of the road, it was cancelled and C.P.W.D. deputed another agency to execute the aforesaid work, which eventually completed the works. It has further been asserted in that paragraph that the petitioner could not start the work on the basis of the aforesaid work order. In paragraph-9 of the aforesaid counter-affidavit it has also been stated that the construction work of the project in question has already been completed by the C.P.W.D. and hence the writ petition has become infructuous.

Though copy of the aforesaid counter-affidavit was served upon the learned counsel appearing on behalf of the petitioner on 06.04.2012, but the averments made therein have not been controverted by the writ petitioner till date by filing any rejoinder affidavit.

In view of the above undisputed factual matrix, this Court is of the opinion that the present writ petition has become infructuous and the relief sought for cannot be now granted to the petitioner on account of completion of the work in question.

Consequently, the writ petition has to fail and is, accordingly, dismissed, but without costs.

(Birendra Prasad Verma, J)

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