

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.629 of 2010

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M/S Bol-Bum Construction, through Shekhar Kumar S/O Late Vidya
Bhaskar Sinha R/O Vill-Dharamganj, P.S- Kishanganj, Distt- Kishanganj
..... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department,
Patna
2. The Chief Engineer 4 (Head Quarter) Rural Works Department, Govt. of
Bihar, Patna
3. The Executive Engineer, Works Division Kishanganj Rural Works
Department, Govt. of Bihar, Kishanganj
4. The Superintending Engineer, Rural Works Department Works Circle
Purnea, Distt- Purnea

..... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 02-02-2015 Despite repeated calls, none appears on behalf of the petitioner in support of the present writ petition. None appears on behalf of the respondents either. However, the names of learned counsel appearing on behalf of the parties are printed in the daily cause list.

2. The petitioner has filed the present writ petition seeking a direction to the respondents for payment of costs of bitumen to him at the enhanced rate in view of the Government decision dated 18.03.2008 (Annexure-1) under the bitumen price neutralization scheme.

3. A counter affidavit has been filed on behalf of the respondent nos. 2 to 4 wherein the claim raised on behalf of the petitioner has been disputed on the ground that the petitioner has completed the works before 24.02.2008 i.e. before issuance of the Government Resolution dated 18.03.2008 as also RWD letter no.

7668/325 dated 24.09.2009. Therefore, according to the aforesaid respondents, the petitioner is not entitled for payment of costs of bitumen under the bitumen price neutralization scheme.

4. From the pleadings of the parties, this Court finds that the claim of the petitioner is based on disputed question of fact which cannot be gone into in a proceeding under Article 226 of the Constitution of India. Hence the present writ petition is dismissed with a liberty to the petitioner to approach the Civil Court of competent jurisdiction for getting the aforesaid disputed question of fact determined on the basis of evidences produced by the parties and for grant of appropriate relief.

(Birendra Prasad Verma, J)

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