

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.896 of 2009

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Lalit Narain Mahto, son of Sri Ram Swaroop Mahto, resident of village Sakarauli, P.S. Charia Bariyarpur, District Begusarai

.... Petitioner

Versus

1. The State of Bihar through the Commissioner cum Secretary, Water Resources Department, Govt. of Bihar, Patna
2. The Engineer-in-Chief (North), Water Resources Department (Irrigation), Patna
3. The Chief Engineer, Water Resources Department, Koshi Colony, Purnea
4. Superintending Engineer, Mahananda Flood Control Circle, Katihar
5. The Executive Engineer, Flood Control Division, Naugachhia, P.S. Naugachhia, District Bhagalpur
6. The Commissioner cum Secretary/ Chairman, Bihar State Construction Corporation, Khawaji Imli, Anishabad, Patna
7. The Managing Director, Bihar State Construction Corporation Khawaja Imli Anishabad, Patna
8. The Works Manager, Bihar State Construction Corporation, Purnea Unit, Bal Bharti School Campus, Near Flour Mill, Purnea

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Adv.

For the Respondent/s : Mr. Shailendra Kumar Singh, AC to AAGVI

For the Respondent Corp.: Mr. R.K.Shukla, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

4 12-01-2015 Heard learned counsel for the parties.

Having regard to the fact that the petitioner is a Sub-contractor and has a grievance with regard to certain payment against the named contractor, this Court having been informed that the said contractor being the Bihar State Construction Corporation has already paid the admitted amount and thereafter has denied any further liability by way of remaining claim of the petitioner and/or interest, the remedy now for the petitioner will be only

before the competent civil court which will go into the issue of entitlement of the petitioner in accordance with the terms and conditions of the agreement between the petitioner and the Corporation.

This application definitely is wholly misconceived, especially when the respondents have categorically denied any further claim of the petitioner.

That being so, this application is dismissed.

Dismissal of this application, however, will not stand in the way of the petitioner in filing a civil suit.

surendra/-

(Mihir Kumar Jha, J)

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