

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3504 of 2008

=====

Wrijnandan Prasad 'Kishor', son of late Shiwali Prasad, permanent resident of Village & P.O. Karjara, P.S. Silao, Distt. Nalanda and at present residing at + P.O. + P.S. Deep Nagar, Dist. Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through Industries Development Commissioner (I.D.C.) Industries Department, Govt. of Bihar, Patna.
2. Chief Executive Officer, Bihar State Khadi Village Industries Board Mahesh Bhawan, Gandhi Maidan (East), Patna 800004.
3. The Chairman, Bihar State Khadi Village Industries Board Mahesh Bhawan, Gandhi Maidan (East), Patna 800004.
4. The Development Officer (Bio-Gas), Bihar State Ghadi Village Industries Board Mahesh Bhawan, Gandhi Maidan (East), Patna-800004.
5. The Asstt. Account Officer, Bihar State Khadi Village Industries Board Mahesh Bhawan, Gandhi Maidan (East), Patna.
6. District Khadi Village Industries Officer, Samaharnalaya Road, Bihar-Sharif, Dist. Nalanda.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Jayram Sharma, Adv.
Mr. Shankar Ram, Adv.
Mr. Birendra Kumar Singh I, Adv.

For the Respondent/s : Mr. J.P. Karn, AAG-9
Mr. Uma Kant Singh

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

3 22-01-2015 Heard learned counsel for the petitioner and learned counsel for the State.

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

"1(A) For issuance of a writ in the nature of Mandamus the respondents to pay the price for installing Bio Gas Plant in rural areas of District of Nalanda as per sanction scheme to the petitioner amounting to Rs. 6,21,807.50 (Six lac, twenty one thousand, eight hundred seven and fifty paise only) forthwith

interest at the current market rate."

3. Let it be noted that there is no appearance on behalf of the respondent nos. 2 to 5 and respondent no.1 has filed counter affidavit to say that it is a formal party and has got no concern in the issue raised by the petitioner in this writ application.

4. The petitioner himself has filed interlocutory application, I.A. No 7312 of 2014 for addition of District Khadi Industries Office, Samaharnalay Road, Bihar Sharif, Nalanda as respondent no.6 on the ground that when during pendency of this writ application, the petitioner was paid a sum of Rs. 4,59,200/- against the admitted claim of Rs. 6,21,807.50/-, the said authority proposed to be added as respondent no.6 ought to have made full payment.

5. This Court would allow the prayer of the petitioner for impleading the District Khadi Industries Officer, Samaharnalay Road, Bihar Sharif, Nalanda as respondent no.6.

6. Let necessary correction be made in the cage column by the learned counsel for the petitioner in course of the day by impleading the aforesaid officer as respondent no.6.

7. Having regard to the fact that this writ application was filed on 18.2.2008 and portion of certain amount to the tune

of Rs. 4,59,200/- against the claim of the petitioner of Rs. 6,21,807.50/- has already been made, this Court, instead of keeping this writ application pending, would deem it expedient in the end of justice to direct the respondent nos. 2 to 6 to take a firm decision with regard to remaining claim of the petitioner of Rs. 1,62,607.50/- within a period of three months from the date of receipt of this order by them.

8. In order to expedite this process, this Court would also give liberty to the petitioner to file self contained representation enclosing a copy of this order and the period of three months shall commence from the date of filing of the representation by the petitioner enclosing this order.

9. It, however, goes without saying that if for any reason whatsoever such he claim of the petitioner for the remaining amount is rejected, the respondent nos. 2 to 6 will be under obligation to communicate such reasons to the petitioner within the same period of three months.

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

(Mihir Kumar Jha, J)

Rishi/-

U			
---	--	--	--