

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.423 of 2009

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Akhileshwar Prasad Singh, son of late Takeshwar Prasad Singh, resident of Mohalla- Rajapur, Gate No. 31, House No. 32 P.S.- Srikrishnapuri, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Executive Engineer, New Capital Division, RCD Patna.
3. Director, Panchayat Raj, Vikash Bhawan, Patna, District- Patna.
4. The Chief Engineer (Ya), P.W.D. Department, South Bihar Division, Patna.
5. The District Magistrate, Patna, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate.

Mr. Deepak Kumar, Advocate.

Mr. Rajiv Ranjan, Advocate.

For the Respondent/s : Mr. Suman Kumar Jha, AC to AAG 5.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

7 15-01-2015

Heard learned counsel for the parties as with regard to the

following relief prayed in this writ application :

"1. That this writ application is being filed for issuance of writ in the nature of mandamus for direction to the respondents to pay the contract amount of Rs. 7,93,500/- to the petitioner and further issue direction to the respondents to pay the work's amount of worth Rs. 7, 93,500/- with compound interest @ 18% per annum to till date of payment to the petitioner and further give other legal and consequential benefit to the petitioner.

2. Having regard to the fact that the claim of the petitioner for payment of contractual amount for the work done by him now gets admitted in the supplementary counter affidavit in paragraph 5 to 8, which reads as follows:

"5. That as per the information gathered during the enquiry it has come that requisition for allotment of fund has been submitted to Director Panchayati Raj Vikash Bhawan, Patna by the then executive Engineer. As per AE/JE report two persons including the petitioner were engaged in the work for supply of material and labour. The total value of work done from supply made by the petitioner, as per the AE/JE report submitted by the then Executive Engineer is of Rs.

7,93,500/- in which unused 45,000/- Nos. of Bricks amounting to Rs. 1,14,876.00 were taken back by the petitioner. Thus, total value of work for which the petitioner supplied material and labour is of Rs. 6,78,535/- with statutory deductions.

6. That, it is thus submitted that the petitioner was engaged in the work for supplying material and labour in the work from D.B.M. Ghat Rajapur to camp site at Diara. The allotment for said work has not been given by the Director, Panchayati Raj, Vikash Bhawan Patna (respondent no. 3) till today for payment to persons involved in the concerned work. It is further submitted that the amount of work done is based on the AE/JE report sent by the then Executive Engineer.

7. That it is pertinent to state here that present deponent, sought sanction of necessary amount of Rs. 10,25,133/- from the Director, Panchayati Raj Vikash Bhawan, Patna, respondent no. 3, regarding the aforesaid work vide memo no. 1620, dated 19.5.2009, and the allotment is still awaited.

8. That the present deponent had joined as Executive Engineer, New Capital Division on 4.08.2008. As per the Hon'ble Court's direction the aforesaid facts could be gathered during the short span of time. Hence, the present deponent very humbly submits that soon after receipt of the requisitioned allotment from the Director, Panchayati Raj, action towards release of payment to the petitioner shall be taken."

this Court, in absence of any further information/instruction available to either the learned counsel for the petitioner or learned counsel for the State, as with regard to payment already made to the petitioner, would dispose of this writ application with a direction to the respondents to ensure that if such payment, as admitted in the supplementary counter affidavit, has not been made to the petitioner, the same must be made within a period of three months from the date of receipt of a copy of this order.

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

(Mihir Kumar Jha, J)

Sujit/-

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