

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.400 of 2014

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Ashok Kumar Son Of Late Uttam Singh Resident Of Nagar Parishad
Colony, Quarter No. 36, P.S. Dehri District Rohtas

.... Petitioner

Versus

1. The State Of Bihar , Through The Secretary, Urban Development
Department, Patna
2. The Joint Secretary, Urban Development And Housing Department,
Government Of Bihar, Patna
3. The Executive Officer, Nagar Parishad, Dehri Dalmiyanagar, Dehri
On Sone, Rohtas

.... Respondent

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Appearance :

For the Petitioner : Mr. Amar Prakash, Advocate
For the State : Dr. Sobha Choudhary, Advocate
For Dehri Nagar Parishad : Mr. Avinash Kumar, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 02-02-2015

Heard the parties.

This writ application has been filed for quashing Annexure
4 dated 30.3.2009 by which the Nagar Parishad, Dehri Dalmianagar
has directed the petitioner to close the work. Basis of such direction
was that the work concerned had remained incomplete and the quality
of work was also not good. The petitioner was directed to submit all



the requisite registers and documents along with measurement book for ascertaining the extent and quality of work done by him. However, after about five years of passing of the order concern, this application challenging that order has been filed and, at the same time, he himself shows in paragraph 9 that he has received Rs. 35,07,500/- and out of which Rs. 30,60,435/- has been invested in work and Rs. 4,47,065/- still remains with him. He further seeks direction to release the entire estimated amount of construction of Rs. 51,72,100/- as well as 20 % more due to the increased cost in terms of letter no. 6206 dated 24.1.2008.

It appears that the petitioner has chosen not to respond the Annexure 4 and after five years he has approached this Court for grant of such relief which, in my considered opinion, cannot be granted to him without ascertaining of certain facts regarding extent and quality of work done.

In above view of the matter, this writ application is being disposed of with liberty to the petitioner to approach the Executive Officer, Nagar Parishad, Dehari Dalmianagar, Dehri On Sone along with all necessary requisites stated in Annexure 4, who would be required to take decision in accordance with law.

It is made clear that decision should be taken by the authority concerned on its own merit and in accordance with law

without being prejudiced by the observations made by this Court in the present order.

(Dr. Ravi Ranjan, J)

Spd/-

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