

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6486 of 2009**

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M/S Kumar A.S. Construction, Ashok Nagar Bhatt Bigha, Gaya thorough its Managing Partner Smt. Pramila Singh, Wife of Shri Anuj Kumar Singh, Resident of Mohalla Ashok Nagar, Bhatt Bigha, Gaya, P.S. Rampur, Dist. Gaya.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Engineer-in-Chief-cum-Additional Commissioner-cum-Special Secretary, Road Construction Department, Government of Bihar, Patna
4. The Chief Engineer, National High Way, Government of Bihar, Patna.
5. The Superintending Engineer, National Highway Circle Dehri-on-Sone, Dist. Rohtas.
6. The Executive Engineer, National High Way, Gaya, Division, Dist. Gaya.
7. The Special Officer (Traffic), Road Construction Department, Government of Bihar, Patna.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Brij Nandan Prasad, Adv.  
 Mr. Ajay Kumar Singh, Adv.  
 For the Respondent/s : Mr. P.K.Verma, (AAG11)

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**CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA**  
**ORAL ORDER**

3      27-01-2015      Having regard to the fact that the petitioner has been paid his admitted amount, the rest of the grievances raised by the petitioner that such amount was paid after a delay of four years can never be made subject matter of this writ petition because such issue relating to liability of payment of interest cannot be gone into without leading of evidence on the issue as to who had actually caused such delay. Such dispute as with regard to payment of interest on account of delay in a matter arising out of non statutory contract can be gone into only in a properly

constituted civil suit before appreciate civil court of competent jurisdiction.

Thus, the issue of payment of interest on the aforesaid admitted amount is left open and in case the petitioner would file a money suit, the same will be gone into in the light of the evidence led by all the parties.

With the aforementioned observation, this application is disposed of.

**(Mihir Kumar Jha, J)**

Rishi/-

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