

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9611 of 2011

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Lal Muni Devi W/o Late Maujilal, resident of Village -Karnapura, P.O. Sadisopur,
P.S. Naubatpur District Patna.

.... Petitioner/s

Versus

1. The Bihar State Bridge Construction Corporation through it's Chairman Bridge Construction Corporation, Bihar, Patna.
2. The Deputy Chief Engineer Bihar State Bridge Construction Ltd 7 Sardar Patel Marg, Patna.
3. The Senior Project Engineer Work Division Gaya.
4. The Project Engineer, Sub-Division Arwal B.S.O. Construction Corporation Ltd.
5. The Secretary, R.C.D. Bihar, Patna (Road Construction Department Bihar, Patna.)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate.
Mr. Shunil Prasad, Advocate.

For the Respondent/s : Mr. Rajeev Shekhar, AC to GP-24

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date: 01-10-2015

Heard learned counsel for the petitioner and learned
Counsel for the State.

2. I.A. No.5355 of 2015 has been filed for
substitution of legal heirs of the petitioner in the writ petition
who died on 30.01.2014.

3. Let the name of the petitioner's widow, namely Lal
Muni Devi, Village- Karnapura, P.S. Naubatpur, District- Patna be
substituted in his place.

4. Having regard to the nature of the relief claimed in
the writ petition, I.A. No. 5355 of 2015 stands allowed and the

name of the petitioner is expunged and learned counsel is permitted to substitute the name of Lalmuni Devi as petitioner.

5. The present writ petition has been filed for quashing the order dated 11.12.2009 passed by Senior Project Engineer Work Division, Gaya by which the agreement executed on 13.05.2008 by the Respondent was rescinded, the security money has been forfeited and payment of the bill at enhanced rate has not allowed.

6. Learned counsel for the petitioner confines the prayer in the writ petition with respect to outstanding payments in respect of bill submitted with regard to the work to the extent completed by the petitioner's husband during his lifetime.

7. In view of the nature of the grievance of the petitioner, this writ petition is disposed of with consent, granting liberty to the petitioner to approach the Deputy Chief Engineer, Bihar State Bridge Construction Limited, Patna (Respondent No. 2) with a fresh representation, who will examine the matter and take steps for payment of the admitted dues of the petitioner within a period of six weeks from the date of receipt/production of a copy of this judgment. If the admitted amount is not paid to the petitioner within such period then it would be entitled for simple interest at the rate of 10% per annum to be calculated from the date it became due till the date of its final payment. It is further clarified that if the entire claim

of the petitioner is not found admitted then it should be communicated the reasons for reaching such conclusion.

8. It is made clear that this Court is not expressing any opinion on the merits of the claim of the petitioner.

(Vikash Jain, J)

Md. Ibrarul/-

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