

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9043 of 2016

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1. Bachu Narayan Singh (Contractor and Supplier) son of Late Tej Lal Singh, resident of Village- Kushhar, P.O. and P.S.-Bind, District-Nalanda. At present Address-M/S. Sanjay Medical Hall, Ranchi Road, Bihar Sharif, Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar,
2. Secretary, Public Health Engineering Department, Bihar, Patna.
3. Chief Engineer, Public Health Engineer Department, Bihar, Patna.
4. Superintending Engineer, Public Health Circle, Patna.
5. District Magistrate, Nalanda (Bihar Sharif).
6. Executive Engineer P.H. Division, Bihar Sharif.
7. Assistant Engineer-Cum- S.D.O. P.H. Division, Bihar Sharif.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha, Adv.

For the Respondent/s : Mr. Nadeem Seraj, G.P.20

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 13-07-2016 Heard Mr. Pramod Kumar Sinha, learned counsel for the petitioner and Mr. Nadim Seraj, learned G.P.20 for the State.

In the nature of the order this proposes to pass it would not require awaiting filing of a counter affidavit and with the consent of the parties, the matter is being disposed of at the present stage itself.

Two fold prayer has been made by the petitioner listed at paragraph 1 of the writ petitioner namely :

(a) A direction to the respondents more particularly, the respondent No.6 the Executive Engineer, P.H. Division,

Biharsharif, District Nalanda to make payment of earnest money of Rs. 1,40,000/- together with security money of Rs. 19,000/- in total Rs. 1,59,000/- deposited against Agreement No. 4F2 of 2005-06 for construction of 300mm x 30mm x 150 meters deep high tube well under Silao, Water Supply Scheme, P.H.Division Biharsharif; and,

(b) A direction for payment of earnest money of Rs. 40,000/- together with security money of Rs. 18,500/- and compressor developing charge of Rs.50,000/- amounting to Rs. 1,89,500/- standing against the Agreement No. 22F2 of 2007-08 executed for construction of Tube well under Silao Water Supply scheme for the year 2007-08 under PH Division, Biharsharif, District Nalanda.

Mr. Sinha learned counsel for the petitioner has referred to a series of representations present at Annexure-2 to submit that the matter remains pending with the respondents and although steps were taken but it has not reached a finality.

In the nature of grievance so raised I deem it fit and proper to dispose of the writ petition with the direction to the Executive Engineer, P.H. Division, Biharshariff to consider the grievance of the petitioner and dispose of the same within a maximum period of 3 months from the date of receipt/ production of a copy of this

order. Needless to add that in case the amounts stated above are found admissible the same should be paid within the same period and in case the opinion is otherwise, it should be disposed of by a speaking order to be passed after giving opportunity of hearing to the petitioner.

(Jyoti Saran, J)

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