

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8130 of 2016

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Dwarika Prasad Bind, son of Late Horilal, resident of village- Nagardad
Maliya, P.O. Maliya, Via - Mananpur, P.S. Chanan (Lakhisarai), District –
Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Lakhisarai.
3. The D.D.C., Lakhisarai.
4. The B.D.O., C.D. Block Chanan (Lakhisarai), District – Lakhisarai.
5. The Assistant Engineer, R.E.O. Works Division, Lakhisarai .
6. The Junior Engineer, C.D. Block, Chanan (Lakhisarai) District –
Lakhisarai.
7. Smt. Sita Devi, Mukhiya Etaun Gram Panchayat, P.O. Mananpur, P.S.
Chanan (Lakhisarai), Anchal - Lakhisarai, District – Lakhisarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda

For the Respondent/s : Mr. Din Bandhu Singh, GP-9

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 18-05-2016

Learned counsel for the parties are present.

The claim of the petitioner for payment of his dues
of Rs.57,951/- raised in respect of construction work of Maliya
Nagardar Road in village Rampur Tanr in the district of
Lakhisarai, has been rejected simply on grounds that the claim
was raised beyond the period stipulated in the order of this
Court passed in CWJC No.11812 of 2005.

According to the Block Development Officer,
Chanan, respondent no.4 though the period stipulated in the
order is 15 days but the petitioner took 38 days time to raise his
claim hence it was not entertainable. The ground taken by the

Block Development Officer, Chanan to reject the claim of the petitioner is only taken to be rejected for although the petitioner should have raised his claim within the period stipulated in the order of this Court but a mere delay by the petitioner in raising his claim cannot be the ground for rejection of his claim, in case it is otherwise admissible.

In the circumstances, this writ petition is disposed of with a direction to the Block Development Officer, Chanan, District- Lakhisarai to consider the claim of the petitioner on merits and dispose of the same by a speaking order to be passed within three months from the date of receipt/production of a copy of this order but only after giving an opportunity of hearing to the petitioner.

It goes without saying that in case the claim raised by the petitioner is found admissible the same be paid to him within the same period and in case it is found inadmissible then it should be disposed of by a speaking order.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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