

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3462 of 2014

Uday Kant Mishra, son of Laxmikant Mishra, resident of Village- Parsa, P.O. & P.S.- Madhwapur, District- Madhubani

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Patna
2. The Chief Engineer, Building Construction Department, North Zone, Patna
3. The Superintending Engineer, Building Construction Department, Building Circle, Darbhanga
4. The Executive Engineer, Building Construction Department, Building Division, Madhubani

.... Respondents

Appearance :

For the Petitioner : Mr. Ashok Kumar Mishra, Advocate

For the Respondents: Mr. Ashok Kumar Keshri, AAG 11

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-01-2016

The present writ application has been filed for a direction to the respondent to pay the outstanding dues amounting to Rs. 15 lakh of the petitioner, against the work allotted for construction of Ist Class Animal Hospital at Laukahi in Madhubani.

2. It is submitted on behalf of the petitioner that he is entitled to payment of approximate Rs. 15 lakhs for work done only for which the petitioner has submitted a bill for payment.

3. A counter affidavit has been filed on behalf of the respondent no. 4 stating that part payment of Rs. 5,63, 748/- against the work done had been made. . It is further stated that the department concerned has directed the petitioner to complete the construction

work as per agreement but he did not complete the same. As such, department has paid the remaining amount of Rs. 6, 07,059/- due against the work done by the writ petitioner through cheque no. 035016 dated 27.03.2014.

4. Having regard to the rival contentions of the parties, this court is not inclined to interfere in the matter which clearly involves disputed questions of fact. Accordingly the writ petition is dismissed. However, this judgment will not stand in the way of the petitioner representing before the appropriate forum as may be available to him in accordance with law.

(Vikash Jain, J)

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