

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16306 of 2015

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Santosh Kumar, Son of Sri Durga Thakur, Resident of village and P.O. Rup Chhapra, P.S. Sahebganj, District – Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Engineer - in - Chief - Cum - Additional Secretary - Cum - Special Secretary, Rural Works Department, Government of Bihar, Patna.
4. The Chief Engineer - 3, Rural Works Department, Patna.
5. The Superintending Engineer, Rural Works Department, Work Circle, Muzaffarpur.
6. The Executive Engineer, Rural Works Department, Works Division, Muzaffarpur, District – Muzaffarpur.
7. The District Magistrate, Muzaffarpur, District - Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner : Mr. Vijay Kumar Singh, Advocate
For the Respondents : Mr. Ashok Kumar Choudhary, A.A.G.-13
Mr. Avanindra Kumar Jha, A.C. to A.A.G.-13
Ms. Meera Singh, A.C. to A.A.G.-13

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

**HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

2 05-02-2016 Heard Mr. Vijay Kumar Singh, learned Counsel, appearing on behalf of the petitioner, and Ashok Kumar Choudhary, learned Additional Advocate General No.13, appearing on behalf of the respondents.

A counter affidavit has been filed on behalf of the State-respondents stating therein that the contract agreement, which had been entered into by the respondents and the contractor, has been terminated, because the contractor failed to

construct the road, in terms of the agreement reached by the parties concerned. It has also been averred in the counter affidavit by the respondents that a proceeding for recovery of the amount due from the contractor has to be initiated.

In view of the above, nothing survives for adjudication in this writ petition, inasmuch as the money, which had been earmarked for project, has already been spent. The State Government, represented by the Chief Secretary, shall ensure that those, who are responsible for the frustration of the project, be made accountable in accordance with law. A decision in this regard shall be reached by the Chief Secretary, within a period of three months from today. If the petitioner feels aggrieved by the order (s), which may be passed by the Chief Secretary, or by the decision (s), which may be arrived at by the Chief Secretary, the petitioner shall remain at liberty to take recourse to such provisions of law as may be permissible.

With the aforementioned directions and observations, this writ application stands disposed of.

(I.A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

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