

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19542 of 2012

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1. Om Prakash S/O Late Shaligram Singh R/O Vill.- Lodipur, P.O. & P.S.-
Khizarsarai, Distt.- Gaya

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary Building Construction Department, Govt. Of Bihar, Patna
3. The Engineer-In-Chief, Building Construction Department, Southern Division, Patna
4. The Chief Engineer, Building Construction Department, Patna
5. The District Magistrate, Gaya
6. The Superintending Engineer, Building Division, Gaya
7. The Executive Engineer, Building Division, Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Advocate.

For the Respondent/s : Mr. Anshuman Singh, AC to PAAG-1

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

6 22-11-2016 Heard the counsel for the petitioner and AC to
PAAG-1 for the State.

In substance, the allegation is that on oral instruction of the Executive Engineer, the petitioner constructed a *Chabutra* in the bungalow of the District Judge. Later the respondents came out with a tender notice with respect to the said work but subsequently the respondents by a notice/order dated 25.08.2012 (Annexure-4) has cancelled the tender notice with respect to the item no. 44.



Learned counsel for the petitioner states that the construction of *Chabutra* has been completed under oral instruction of the respondent Executive Engineer. If the petitioner has constructed the *Chabutra* under the instruction then he is required to be paid. Referring to the information furnished to him under the Right to Information Act, it is stated that the *Chabutra* was constructed by him.

The counsel for the State, on the other hand, has opposed the writ petition. Report of the learned District Judge dated 18th October, 2016 states on the basis of the official communication, it can be said that the *Chabutra* was not constructed by the petitioner.

Be that as it may, looking to the facts and circumstances of the case, in my view, it would not be an appropriate exercise of writ jurisdiction to consider the said grievance of the petitioner and grant the relief. The petitioner has a remedy available in ordinary law. The counsel for the petitioner submits that the petitioner would approach the District Magistrate requesting for an enquiry to be made in this regard and will pursue the matter before him.

The writ application is disposed of permitting the petitioner to ventilate his grievance before the appropriate

forum/authority including filing an application/representation before the District Magistrate (respondent no.5).

(Kishore Kumar Mandal, J)

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