

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6139 of 2014

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Yogendra Kumar Pathak @ Buchan Pathak Son of Late Jagdish Narayan Pathak
Resident Of Village- Bharkhar, P.O.- Brahampur, P.S.- Raghunathpur, District-
Buxar (Bihar)

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Rural Works Department, Government of Bihar, Patna
2. The District Magistrate cum District Election Officer, Buxar
3. The Executive Engineer, Rural Works Department, Division-2, Buxar
4. The Assistant Engineer, Rural Works Department, Works Division-2, Buxar

.... Respondents

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Appearance :

For the Petitioner : Mr. Manoj Kumar, Advocate

For the Respondents: Mr. Mrigendra Kumar, AC to GA 11

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-01-2016

The present writ petition has been filed for payment of admitted dues to the petitioner pursuant to the work said to have been completed in terms of the relevant tender.

2. At the very outset, learned counsel for the respondents submits that the writ petition has become infructuous as the entire payments owing to the petitioner have already been paid. He refers to paragraph 7 of the counter affidavit filed on behalf of respondent nos. 1, 3 and 4 to submit that Rs.2,00,000/- had earlier been paid and the remaining amount of Rs.6,88,056/- has been paid to the petitioner by Cheque No. 855530 dated 09.09.2014 of OBC Bank, Dumraon after making appropriate statutory deduction.

3. The above fact has not been disputed by the

petitioner as no rejoinder to the said counter affidavit has been filed.

It is, however, submitted on behalf of the petitioner that the petitioner is further entitled to interest for delayed payment.

4. In view of the dues of the petitioner having already been paid by the respondents, the writ petition is dismissed as infructuous.

5. It is always open to the petitioner to seek recourse to alternative remedy available to him in accordance with law for redressal of his remaining grievances.

(Vikash Jain, J)

B.T/-

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