

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13246 of 2016

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Ram Shankar Roy, Son of Sri Jay Jay Ram Roy, Resident of Village+ P.O.-
Deodha, P.S.- Hasanpur, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar through Secretary Public Health and Engineering Department, Govt. of Bihar, Patna.
2. Divisional Commissioner, Darbhanga Division, Darbhanga
3. Collector, Darbhanga
4. Zila Jal Avam Swachhata Samiti through its Member Secretary, Darbhanga
5. Executive Engineer-cum-Member Secretary, Zila Jal Avam Swachhata Samiti, Darbhanga
6. Gram Panchayat Raj, Adhloam through its Mukhiya Adholam Gram Panchayat Block, Ali Nagar, District Darbhanga.
7. Panchayat Secretary, Gram Panchayat Raj, Adhloam Block, Ali Nagar, District- Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh, Adv.

For the Respondent/s : Mr. S. Raza Ahmad-AAG-5

Md. Anisul Haque, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 16-03-2017

Heard learned counsel for the petitioner and counsel for the State.

Under the Zila Jal Avam Swachhata Samiti sponsored by the State Government cum Central Government, the petitioner was allotted the work for construction of toilet for different beneficiaries and, in terms of the work order, he constructed and completed the toilets which was verified and, thereafter, the petitioner placed bill for an amount of Rs. 4,36,000/-.



Learned counsel for the petitioner submits that out of the aforesaid amount, he has been paid an amount of Rs. 2,50,000/- and rest amount of Rs. 1,86,000/- has not been paid to him without any valid reason.

It is absolutely clear from the letter of the Executive Engineer cum Member Secretary of the Samiti contained letter no. 273 dated 11.10.2014 that he has released the total amount of Rs. 4,36,000/- for which bills have been submitted by the petitioner.

Learned counsel for the petitioner has been handed over an amount of Rs.2,50,000/- and the rest amount is lying with the Mukhia of the Gram Panchayat as well as to the Panchayat Secretary and they are not releasing the fund.

In that view of the matter, let the petitioner should file an appropriate application before the Collector, Darbhanga who will call the Mukhia and the Panchayat Secretary, verify the stand of the petitioner about construction of the toilets and if it is found that the petitioner has worked for the amount of Rs. 4,36,000/-, in such circumstances, the Collector, Darbhanga will ensure payment of the rest amount of Rs. 1,86,000/- along with 5% interest over the same to the petitioner.

For convenience, the petitioner is directed to file a detailed representation along with a copy of this order to the Collector,



Darbanga who will be obliged to pass a reasoned without within a period of three months from the date of filing of the representation by the petitioner after giving proper opportunity of hearing to the petitioner.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.03.2017
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