

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3065 of 2016

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Haseena Khatoon, wife of late Md Nizamuddin, resident of Village- Neem Tola,
P.S.- Barauni, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Water Resources, Minor irrigation Department, Bihar, Patna.
2. The Finance Secretary, Finance department, Govt. of Bihar, Patna.
3. The Commissioner, Water Resources, Minor Irrigation department, Bihar, Patna.
4. The District Magistrate, Begusarai.
5. The Deputy Development Commissioner, Begusarai.
6. The Public Information officer cum Director Account Administration & Self Employment District Rural Development Agency, Begusarai.
7. The Block Development Officer Cheriya Bariyarpur, Begusarai.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Sanjay Prasad, Adv.

For the Respondent/s : Mr. Pramod Kumar Singh, A.C. to S.C.-16

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 28-02-2017

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

2. The short facts of this case are that the husband of the petitioner was allotted the Work Order for sinking tube well at different places in the District of Begusarai in the year 1990-91. In pursuance thereof, the husband of the petitioner had completed the work within the stipulated time and submitted the bill of



Rs.1,57,140/-. The District Magistrate, Begusarai, sent a letter to the Deputy Secretary, Water Resources, Minor Irrigation Department, Bihar, Patna vide letter No.1159 dated 30.06.1997 and requested to grant permission for withdrawal of the amount from the civil deposit for making payment to the contractors including the husband of the petitioner.

3. Time to time, the husband of the petitioner filed applications for payment of the outstanding dues for the work done by him, but without any fruitful result. The District Magistrate, Begusarai, again sent a letter No.3576 dated 16.12.2008 for releasing an amount of Rs.70.494 lakh for distribution of the same to the different contractors but without any result. In the meantime, the husband of the petitioner died. The petitioner approached the Block Development Officer, Cheriya, Bariyarpur, Begusarai, for the payment of the outstanding amount. The petitioner even approached the District Magistrate, Begusarai for the payment of the outstanding amount, but always returned with empty hand.

4. Learned counsel for the petitioner submits that the husband of the petitioner sunk tube well at different places as per the Work Order and he cannot be deprived of the amount which he is entitled to.



5. No counter affidavit has been filed by the State, but this Court directs the District Magistrate, Begusarai to examine the case of the petitioner. If he finds that the petitioner is entitled to undisputed amount then the same will be paid to her along with 7% simple interest from the date of completion of the work till the date of actual payment without any delay preferable within a period of three months from the date of receipt/production of a copy of this order. In case of dispute, the District Magistrate, Begusarai, would pass a reasoned order and the petitioner will have a liberty to take legal course as available under the law against the order.

6. With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	01.03.2017
Transmission Date	N/A.

