

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4520 of 2016

=====

Kumari Lalita, Wife of Late Kumar Ramashray Prasad, resident of village - Gohri (Deonagar), P.S. Chanan, District – Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Govt. of Bihar, Patna
2. The Engineer - in - Chief Cum Special Secretary, Rural Works Department, Govt. of Bihar, Patna
3. The Chief Engineer - 2, Rural Works Department, Bihar, Patna
4. The Superintending Engineer, Rural Works Department, Work Circle, Munger
5. The Executive Engineer, Rural Works Department, Work Division, Sheikhpura
6. The Asst. Engineer, Rural Works Department, Work Division, Sheikhpura

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Respondent/s : Mr. Anuj Kumar, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 08-05-2017

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

In this case, the petitioner is seeking payment of Rs. 11,07,883/- against the work done by her husband under the agreement no. 35 PMGSY Cont/09-10.

The husband of the petitioner has entered into agreement for construction of road under the Pradhan Manti Gramin Sarak Yojana for Package No. BR-19R-025 (Lakhisarai-Sheikhpura to Chotaha Path) under the agreement dated 30.11.2009. \

From the records, it appears that the petitioner has claimed the amount on the basis of entry made in the measurement book but, later on, it transpired that the entry has wrongly been filled up by the Junior



Engineer which he has disputed at the later stage and the entry has been removed by putting a cross mark. It also appears that the petitioner was asked to rectify the deficiency but, he has not done it.

As it is a disputed question of fact, it cannot be looked into in the present proceeding. However, if any amount is an admitted amount, that should be released in favour of the petitioner.

Let the petitioner should file a proper application before the Chief Engineer-2, Rural Works Department, Bihar, Patna who will see that what value of amount is admitted amount and only that amount will be released.

With regard to payment of rest of the amount, if the petitioner so desires, she may go to the civil court.

It is, however, made clear that if the petitioner files an application for release of the security money, the Chief Engineer-2, Rural Works Department, Bihar, Patna, will take decision in accordance with law.

With the aforementioned observation and direction, this application is disposed of.

Rishi/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.05.2017
Transmission Date	NA

