

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7708 of 2016

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1. Ramji Prasad Son of Late Ram Lakhan Mahto Resident of Mohalla - Mathuria,
Arya Samaj Gali, Neeraj Bhawan Bihar Sharif, P.S. Laheri District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Nalanda.
3. The In Charge District Magistrate Janshikaya Koshang Nalanda District Nalanda.
4. The Deputy Development Commissioner-cum-Chairman, Zila Jal and Swachhta
Samittee, Nalanda.
5. The Executive Engineer, Public Health Division Bihar Sharif-Cum-Member, Zila
Jal and Swachhata Samittee, Nalanda, District Nalanda.
6. The Block Development Officer, Bihar Sharif, District Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh,
Mr. Pankaj Kumar

For the State : Mr. Kamlesh Kishore, AC to SC 12

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 27-02-2017

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

In the present writ petition, petitioner makes a prayer for
release of bill for the construction of toilets in the School under
Nirmal Bharat Abhiyan.

Work was allotted under Nirmal Bharat Abhiyan Lohiya
Swakshta Yojna for construction of toilets. Toilets were
constructed by the N.G.O. of petitioner i.e. Indira Nari Kalyan
Sewa Sansthan Kamruddinganj Bihar Sharif, Nalanda and after



completion of the same petitioner has placed his bill. Claim has been made that only partial amount has been paid rest amount is lying with the authority for payment for that petitioner had approached this Court vide C.W.J.C. No. 4852 of 2014 and the Court has disposed of the matter with the following order:

“4. In the above view of the matter, this writ petition is disposed of with consent of the petitioner, granting him liberty to approach the Executive Engineer, Public Health Division Bihar Sharif-cum-Member Secretary Zila Jal and Swachhata Samittee, Nalanda, Dist. Nalanda (respondent no.5) with a fresh representation for redressal of his grievances. If any such representation is filed within a period of two weeks from today, the same shall be considered and disposed of, ensuring payment to the extent found due to the petitioner, within a period of six weeks from the date of receiving the petitioner's representation. Any delay in payment of the admitted amount beyond the stipulated period as stated above, shall entitle the petitioner to receive payment together with simple interest at the rate of 9% per annum on the admitted dues calculated from the date when the amount became due till the date of its actual payment. In case the petitioner's claim is found inadmissible, whether in whole or in part, the petitioner's representation shall be disposed of by a



speaking order in that regard.”

In pursuance thereof the authority has examined the claim of the petitioner and it was found that petitioner has attached the edited photograph of toilets of two Schools and on that account the bill which has been placed by the petitioner was not found to be entitled for the same.

These are disputed question of facts which cannot be looked into in the present proceeding. The petitioner, if so advised, may approach before the Bihar Public Works Contracts Disputes Arbitration Tribunal Act, 2008. If such an application is filed the authority will decide the case of the petitioner on its merit, after giving proper hearing in accordance with law within a period of six months from the date of filing of the application.

With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	2.3.2017
Transmission Date	NA

