

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.312 of 2017

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Md. Mozahir Hussain son of Md. Maniruddin Resident of Kosi Colony Road, Ward No. 22, Supaul, P.S. and District - Supaul.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Govt. of Bihar, Patna.
2. The Commissioner, Kosi Division, Saharsa.
3. The Collector-cum-District Magistrate, Supaul.
4. Deputy Development Commissioner, Supaul.
5. Executive Engineer, Rural Works Department, Works Division - II, Supaul.
6. District Rural Development Agency, Supaul, through its Director.
7. The Nagar Parishad, Supaul through its Chief Executive Officer.
8. The Chairman, Nagar Parishad, Supaul.
9. The Chief Executive Officer, Nagar Parishad, Supaul.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Uday Bhan Roy, Adv. Mr. Sunil Kumar, Adv.
For the State	:	Mr. Kinkar Kumar, SC-9 Mr. Yogesh Kumar, AC to SC-9
For the Resp. 7 to 9	:	Dr. Amitesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 04-10-2017

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

The petitioner is a Contractor who was allotted the work of construction of P.C.C. Road including the vegetable market shade for the vendors. Certain persons have approached this Court in C.W.J.C. No. 10660 of 2011 and this Court has disposed of the same with a direction to file a representation before the Commissioner, Kosi Division, Saharsa raising all grievances and, if any such



representation is filed, the Commissioner of Kosi Division, Saharsa will dispose of the same within a period of two months from the date of receipt/production of a copy of the order. As have been informed at the Bar the same is still pending, has not been disposed of till date but, in the present case, the application has been filed by the Contractor seeking relief of payment of Rs. 4,67,513/- as out of Rs. 11,44,578/-, Rs. 6,77,065/- has been paid to the petitioner. As per petitioner, it is an admitted amount.

In that view of the matter, let this issue be looked into by the Commissioner, Kosi Division, Saharsa who will ensure payment of the admitted amount to the petitioner, if any, and if he will find that it is the not the admitted amount, he will be obliged to give an opportunity of hearing to the petitioner and will take a final decision in the matter.

As per claim of the petitioner, he has only made half construction of the P.C.C. Road and shade over the vegetable market shed and, on account of objection raised by certain persons, he has not been allowed to complete the same and the matter is pending before the Commissioner.

Let the matter be looked into by the Commissioner, Kosi Division, Saharsa and he will be obliged to consider the case of the petitioner with respect to completion of the work which has been



allotted to him in the backdrop of the fact that certain persons have already filed their objection which is pending before the Commissioner.

Let all the matters be disposed of within a period of three months from the date of receipt/production of a copy of this order.

For convenience, the petitioner is directed to file a separate detailed representation to the Commissioner, Kosi Division, Saharsa who will examine all aspects of the matter and will take a decision by passing a reasoned order after giving an opportunity of hearing to all the parties within a period of three months from the date of filing of the representation by the petitioner enclosing a copy of this order.

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

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.10.2017
Transmission Date	NA

