

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23661 of 2013

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Hiralal Gupta, son of Late Chandradeo Prasad Gupta, Resident Of Village -
Narayanpur, P.O. Chak Narayanpur, P.S. Sajour, District - Bhagalpur

.... Petitioner

Versus

1. The State Of Bihar, through the Principal Secretary, Resources Department,
Govt. Of Bihar, Patna
2. The Principal Secretary, Water Resources Department, Govt. Of Bihar, Patna
3. Engineer In Chief, (North), Water Resources Department, Govt. Of Bihar, Patna
4. Chief Engineer, Water Resources Department, Govt. Of Bihar, Patna
5. Superintending Engineer, Flood Control and Monitoring Anchal, Irrigation
Bhawan, Patna
6. Chief Engineer, Water Resources Department, Bhagalpur, District - Bhagalpur
7. Executive Engineer, Water Resources, Bhagalpur, District - Bhagalpur
8. Assistant Engineer, Water Resources, Banka, District - Banka
9. The Junior Engineer, Water Resources, Banka, District - Banka

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.
Mr. Dhananjay Kumar Gupta, Adv.
For the Respondent/s : Mr. Sunil kr. Mandal, S.C.-3
Mrs. Neelam Kumari, A.C. to S.C.-3

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 17-01-2017

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

2. In this case, the petitioner is claiming to release of the
fund on account of work done by him during the flood season, as



the claim has been made that the petitioner was allotted a contract work from Chain No.1507 to 1578 of Tatbandh of Chandan river, which is situated at Bhadariya village in the district of Banka and accordingly he has performed the earth work, the same has been recorded in the Measurement Book No.2837 dated 25.05.2011.

3. The petitioner is claiming that he has completed the contract work on the basis of the oral order of the competent authority and in pursuance thereof, he has altogether done the contract work of Rs.8,77,150/-.

4. Earlier, the petitioner has moved before this Court by way of filing C.W.J.C. No.12669 of 2012 and this Court vide order dated 26.07.2012 given direction to the Chief Engineer, Water Resources Department to look into the matter and pass a reasoned order. In pursuance thereof, the Chief Engineer, Water Resources Department has considered the case of the petitioner and found that he is not entitled to any relief as the work was not allotted to him and at the same time, there is some doubt about the work done by the petitioner.

5. In such view of the matter, this Court cannot give any direction as the disputed question of fact cannot be looked into in



this proceeding, but it can be looked into in a proper proceeding.
The petitioner, if so advised, may approach the appropriate forum for redressal of his grievance. He can also approach the Bihar Public Works Contracts Disputes Arbitration Tribunal Act, 2008.

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

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.AF.R.
CAV DATE	N/A
Uploading Date	18.01.2017
Transmission Date	

