

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1868 of 2016

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M/s Rama Construction through its Partner Sri Angesh Kumar son of Late S.P. Singh, resident of Village- Aunta, Police Station- Hathidah, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through the Secretary namely Anshul Arya, Public Health Engineering Department, Bihar, Patna.
2. The Engineer-in-Chief, Public Health Engineering Department, Bihar, Patna namely Birendra Kumar.
3. Superintending Engineering, Public Health Engineering Department, Begusarai namely Amiya Ranjan.
4. Chief Engineer, Public Health Engineering Department, Begusarai, namely Sharmanand Sharma.
5. Sub-Divisional Officer, Public Health Engineering Department, Manjhaul, District- Begusarai namely Rajeshwar Ram.
6. Eecutive Engineer, Public Health Engineering Department, Begusarai namely Manjur Nasir.
7. Junior Engineer, Public Health Engineering Department, Manjhaul, District- Begusarai namely Vijay Kumar Verma.

.... Opposite Parties

with

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Miscellaneous Jurisdiction Case No. 1870 of 2016

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M/s Rama Construction through its Partner Sri Angesh Kumar son of Late S.P. Singh, resident of Village- Aunta, Police Station- Hathidah, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through the Secretary namely Ahshul Arya, Public Health Engineering Department, Bihar, Patna.
2. The Engineer-in-Chief, Public Health Engineering Department of Bihar, Patna namely Birendra Kumar.
3. Superintending Engineering, Public Health Engineering Department, Begusarai namely Amiya Ranjan.
4. Chief Engineer, Public Health Engineering Department, Begusarai, namely Sharmanand Sharma.
5. Sub-Divisional Officer, Public Health Engineering Department, Manjhaul, District- Begusarai namely Rajeshwar Ram.
6. Executive Engineer, Public Health Engineering Department, Begusarai namely Manjur Nasir.
7. Junior Engineer, Public Health Engineering Department, Manjhaul, District- Begusarai namely Vijay Kumar Verma.

.... Opposite Parties

With



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Miscellaneous Jurisdiction Case No. 1885 of 2016

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M/s Rama Construction through its Partner Sri Angesh Kumar son of Late S.P. Singh, resident of Village- Aunta, Police Station- Hathidah, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through the Secretary namely Anshul Arya, Public Health Engineering Department, Bihar, Patna.
2. The Engineer-in-Chief, Public Health Engineering Department, Bihar, Patna namely, Birendra Kumar.
3. Superintending Engineering, Public Health Engineering Department, Begusarai namely Amiya Ranjan.
4. Chief Engineer, Public Health Engineering Department, Begusarai, namely Sharmanand Sharma.
5. Sub-Divisional Officer, Public Health Engineering Department, Begusarai, District- Begusarai namely Rajeev Kumar.
6. Executive Engineer, Public Health Engineering Department, Begusarai namely Manjur Nasir.
7. Junior Engineer, Public Health Engineering Department, Manjhaul/Teghra, District- Begusarai namely Prabhulal Tanti.

.... Opposite Parties
es

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Appearance :

(In MJC No.1868 of 2016)

For the Petitioner : Mr. Manish Kumar No-2
For the Opposite Parties : Mr. Subhash Prasad Singh, G.A. 3

(In MJC No.1870 of 2016)

For the Petitioner : Mr. Manish Kumar No-2
For the Opposite Parties : Mr. Alok Ranjan, A.C. to G.A. 6

(In MJC No.1885 of 2016)

For the Petitioner : Mr. Manish Kumar No-2
For the Opposite Parties : Mr.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-02-2017

Heard learned counsel for the petitioner and learned
counsel for the opposite parties.

2. These three contempt applications have been filed for
initiating contempt proceedings against the opposite parties for willful



disobedience of the order of this Court dated 08.12.2015 passed in C.W.J.C. Nos. 2033 of 2014, 1902 of 2014 and 1890 of 2014 requiring the authorities to consider the petitioner's case and taking decision at their end.

3. Learned counsel for the petitioner submits that the opposite parties have wrongfully denied the legitimate claims of the petitioner in terms of the order vide memo no. 579 dated 03.06.2016 (Annexure-E to the show cause) passed by the Executive Engineer. It is pointed out that in the writ proceedings a counter affidavit had been filed by the Executive Engineer himself admitting various amounts being due to the petitioner which, however, had not been paid for want of fund.

4. Learned counsel for the opposite parties, on the other hand, submits that the order of this Court passed in the writ applications stands duly complied with as the representations of the petitioner have been duly disposed of by speaking order in terms of the aforesaid letter dated 03.06.2016 (Annexure-E). It is pointed out that many irregularities were subsequently found in the measurement book in respect of which the petitioner was also granted an opportunity to be present at the time of final measurement but it chose not to be present. Upon final measurement being made, it has been found that rather than any amount being due to the petitioner, as



earlier admitted, it has been found that excess amounts have been paid to the petitioner. Accordingly, it is submitted that the amounts of claims of the petitioner have been found to be inadmissible and a speaking order has been passed in that regard in due compliance of the orders of this Court.

5. Having regard to the stand of the parties, this Court is of the view that the grievance of the petitioner cannot be redressed in the present contempt proceedings, the scope of which is limited only to ensure compliance of the orders passed in the writ proceedings. In the present case, this Court is satisfied that the opposite parties have complied in terms of the orders of this Court by passing a speaking order disposing of the representation of the petitioner.

6. In the above view of the matter, M. J.C. Nos. 1868 of 2016, 1870 of 2016 and 1885 of 2016 stand disposed of with liberty to the petitioner that in case it is aggrieved by the order of the authorities, as noticed above, it may agitate the same before an appropriate forum in accordance with law, if so advised.

(Vikash Jain, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
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Transmission Date	08.02.2017

