

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11644 of 2017

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1. Vishal Kumar, Son of Sri Janak Sah, Resident of Mohalla- Bhauwara, Nandey Nagar, Ward No.28, Kotwali Chauk, Police Station- Madhubani, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing.
2. The Principal Secretary, Urban Development and Housing, New Secretariat, Patna.
3. The Chief Engineer, Urban Development Authority, Urban Development and Housing, New Secretariat, Patna.
4. The Executive Engineer, District Urban Development Authority, Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Jha, Ms. Neelam Kumari
For the State	:	Mr. Kinkar Kumar-SC9 Mr. Rakesh Kumar Sharma, Ac to SC9
For Respondent No.4	:	Mr. Shambhu Nath

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 01-11-2017

Heard learned counsel for the petitioner and learned counsel
for the State as well as respondent no.4.

In the present case, petitioner has claimed for payment of
Rs.4,65,992/- and also for release of the security money which is
lying with the authority.

A tender was floated by District Urban Development
Authority, Madhubani for construction of road from Mahavir Jha
House to Madan Chaudhary House via Ramphal Chaudhary
Goshala of N.P. Ghashardiha under Mukhya Mantri Rojgar Yojna



for the year 2014-15. The petitioner participated in the tender, was declared successful bidder and entered into an agreement vide Agreement No. 4 F2 of 2015-16 for construction of PCC road of 1247 Sq. feet. The work value was Rs.20,27,900/-. The work was to be completed within a period of three months but he failed to execute the work. Five reminders were given to the petitioner to complete the same and last reminder was given to complete the work within seven days but he failed to construct the road. A plea has been taken by the petitioner that he had gone to Delhi for treatment of his Bhabhi and as such he could not receive any letter, inasmuch as he has submitted that he has already completed 60% of work. As per petitioner he has completed 647 Sq. ft road which has been disputed by the learned counsel for respondent no.4. As per his statement, petitioner has only completed 186 sq.ft of road.

When the petitioner could not carry out the work the same was given to other agency on 12th September, 2017.

In the present case, maximum the petitioner can claim payment for the work which he had completed and respondent authority will consider his case, whatever portion he has completed the same will be verified and after proper verification, the admitted payment will be made to him in terms of the agreement.



In such view of the matter, petitioner is directed to file a detailed representation before the Executive Engineer, District Urban Development Authority, Madhubani who will consider the case of the petitioner and dispose of the same within a period of three months from the date of filing of the representation.

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

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	3.11.2017
Transmission Date	NA

