

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13369 of 2016

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1. Sri Surendra Prasad Verma S/o Late Ram Das Verma, presently residing at Plot No. B, Halyan Bihar, Near Manokamna Mandir, P.O. B.V. College, P.S. Rukanpur, District- Patna, Permanent resident of Village- Kalyanpur, P.O. Laxmipur, P.S. Barhaiya, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Rural Works Department, Govt. of Bihar, Visheshwariaya, Bhawan, Bailey Road, Patna.
2. The Distirct Magistrate, Lakhisarai.
3. The Chief Engineer II, Works Department, Govt. of Bihar, Visheshwaraiya Bhawan, Bailey Road, Patna.
4. The Superintending Engineer Rural Works Department, Works Division, Lakhisarai.
5. The Executive Engineer, Rural Works Department, Work Division, Lakhishari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anurag Saurav

For the Respondent/s : Mr. ANJANI KUMAR- AAG4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 18-07-2017

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

In the present case, petitioner has made a claim for payment of Rs. 6, 64,141.27 as he was allowed to work vide Agreement No.06.S.B.D/15-16 for construction of road from Jawash Primary School to Primary School, Dhiradandh via Dhiradandh Harijan Tola, Block Barahiya, District Lakhisarai.

As has been claimed in the writ petition, petitioner has completed the work amounting to Rs.13,64,414.15 but he has not



been paid Rs.6,64,141.27. He has further submitted that petitioner did not complete the work due to the objection raised by the Raiyats.

In the counter affidavit the State has taken a plea that whatever the dispute was there with the Raiyats was resolved, the petitioner was asked twice to complete the work but he has not done. As per entries of measurement book, the petitioner is not entitled to the amount claimed rather it is petitioner who has to return Rs. 3,76,537/-

This is a disputed question of fact which cannot be resolved in the present proceeding. The petitioner, if so advised, may approach to the Arbitration Tribunal and if such an application is filed, the Tribunal will be obliged to adjudicate the dispute on its own merit in accordance with law.

With the aforesaid observation this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.7.2017
Transmission Date	NAP

