

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 1636 of 2017**

M/s Vinod Kumar Mishra Through : Director Vinod Kumar Mishra, S/o Shri R. N. Mishra, Aged About 45, R/o Balajhapur, Jashpur Nagar, P. S. Kotwali, District Jashpur (Chhattisgarh)

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through : Chief Secretary, Mahanadi Bhawan, New Mantralay, Raipur (Chhattisgarh)
2. The Engineer In Chief, Water Resource Department, District Raipur (Chhattisgarh)
3. The Chief Engineer, Hasdeo Kachhar, Water Resource Department, District Ambikapur (Chhattisgarh)
4. The Superintending Engineer, Shyam Barnai, Project Division, Ambikapur, District Surguja (Chhattisgarh)
5. The Executive Engineer, Water Resource Circle, Balrampur, District Balrampur Ramanujanj (Chhattisgarh)

---- **Respondents**

For Petitioner	:	Shri Apoorv Tripathi, Advocate
For Respondent/State	:	Shri U.N.S. Deo, Government Advocate

Hon'ble Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Justice Sharad Kumar Gupta

Order on Board

Per Thottathil B. Radhakrishnan, Chief Justice

06.09.2017

1. This writ petition is by one who was awarded the contract to carry out the construction of Lodhidand Anicut Scheme.
2. We have heard the learned counsel for the Petitioner and the learned Government Advocate.
3. The Petitioner was given contract for the construction of the Anicut. The said structure gave way. The question whether the resultant situation could lead to

compelling the Petitioner to reconstruct the damaged portion is a question which would call for consideration of different factual issues. While the Petitioner pleads that failure of the Anicut is relatable to deficit in the structural design, the State Government authorities would take the stand that it is the result of the failure of the Petitioner to maintain the requisite benchmark as to the quality. These are not matters, which are justiciable in the writ jurisdiction.

4. We see that the Petitioner has the pleading in the writ petition that he had moved the 4th Respondent and the said officer had proceeded to effect certain inspections. Leaving the course of action that may be available through such proceedings, we close this writ petition without prejudice to the Petitioner prosecuting any claim before appropriate jurisdictions in accordance with law.
5. The writ petition is ordered accordingly.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(Sharad Kumar Gupta)
Judge