

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23330 of 2013

=====

Randhir Kumar S/O Yogendra Singh Resident Of Mohalla Magadh Colony,
Road No. 3, Chandauti, P.S. Chandauti, District Gaya.

... .. Petitioner

Versus

1. The State of Bihar through the District Magistrate, Gaya, District Gaya.
2. The Municipal Commissioner, Gaya Municipal Corporation, Gaya, District Gaya.
3. The Executive Engineer, Gaya Municipal Corporation, Gaya, District Gaya.

... .. Respondents

=====

Appearance :

For the Petitioner : Mr. Ravindra Kumar Sinha, Advocate
For the State : Mr. Ajay Kumar, AC to GP-4
For the Resp. no. 2 & 3: Mr. Rabindra Kumar Priyadarshi, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date : 06-12-2018

I.A. No. 4203 of 2015

This interlocutory application has been filed for amendment in the writ petition by adding the following prayer –

“For quashing the order dated 21.04.2015 passed by the Municipal Commissioner, Gaya Municipal Corporation vide memo no. 857 by which and whereunder the petitioner was directed to start the work within a week and complete the same of agreement no. F-2(17)/2011-12 dated 03.08.2011, with consequences in case of failure.”

2. Having regard to the nature of the prayer, the interlocutory application is allowed and the same shall be treated as forming part of the writ petition.



C.W.J.C. No. 23330 of 2013

3. The main writ petition has been filed for a direction to the respondent to revise the estimated cost of construction of slap pathway and beautification with plantation and desalting of Brahm Sarovar, ward no. 45 under Gaya Town due to enhancement of material and labour cost and extend the time of the said work.

4. Learned counsel for the petitioner submits that a representation dated 12.03.2013 (Annexure-5) was filed, among others, before the Municipal Commissioner, Gaya Municipal Corporation, Gaya (respondent no. 2) as well as the Executive Engineer, Gaya Municipal Corporation, Gaya (respondent no. 3) requesting for revision of estimated cost of construction but the same was not considered and remained pending.

5. Learned counsel for the respondents, on the other hand, invites reference to the counter affidavit and submits that the petitioner had been granted extension of time on three occasions and finally the impugned order dated 21.04.2015 was issued to the petitioner for completing the work.

6. Having heard the parties and on consideration of the materials on record, this Court finds that the claim of the petitioner of having filed the representation dated 12.03.2013 (Annexure-5) before the respondent nos. 2 and 3 has not been controverted.

7. In the above view of the matter, therefore, this Court is of the view that the ends of justice will be met if the petitioner is



granted liberty to approach the respondent no. 3 with a fresh representation for redressal of his grievances. If any such representation is filed within a period of two weeks from the date of receipt/production of a copy of this judgement, the same shall be considered and disposed of on its own merits in accordance with law expeditiously and in any event preferably within a further period of eight weeks thereafter.

8. The writ petition stands disposed of.

(Vikash Jain, J)

lbrar/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	17.12.2018
Transmission Date	N.A.

