

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20500 of 2013

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Mahesh Kumar, Proprietor R.S. Pandey & Co., Manjhaulia Road, Muzaffarpur
S/O Late Ram Surat Pandey, resident of Village - Sain, P.S. Kanti, District -
Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar
2. The Secretary, Road Construction Department, Govt. Of Bihar
3. The Chief Engineer, National Highway Sub Division, Road Construction Department, Govt. Of Bihar, Patna
4. The Regional Officer, Ministry Of Road, Transport and National Highway, 17 Aniket Co - Operative Housing Colony, I.A.S. Colony, Kidwaipuri (Krishnapur), Patna
5. The Executive Engineer, N.H. Division, Sitamarhi
6. The Treasury Officer, Sitamarhi
7. The Branch Manager, State Bank of India, Sitamarhi

.... Respondents

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Appearance :

For the Petitioner : Mr. Shashi Bhushan Singh, Advocate.
For the S.B.I. : Mr. Kaushlendra Kr. Singh
Mr. Sunil Kr. Singh, Advocates.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 13-07-2018

The present writ petition has been filed for the following

reliefs –

“(i) For issuance of an appropriate writ in the nature of Mandamus commanding & directing the respondent authorities to re-issue the cheque of amount Rs. 84,957/- in favour of petitioner which was earlier issued in favour of the petitioner vide Cheque No. BB 117909 dated 28.02.2009 against the work done by him pursuant to Job No. 077-B.R. -2008-1323, but the aforesaid cheque was not reached at S.B.I. Branch, Sitamarhi within the time



evenafter the deposition of the same by the petitioner in Sitamarhi Treasury within time resultantly, clearance was not made and the petitioner is still waiting for payment.

(ii) For issuance of an appropriate writ in the nature of mandamus commanding and directing the respondent to make payment the amount of Rs. 84,957/- with compound interest of 12% as due to laches on the part of the respondents the petitioner is still suffering.

(iii) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case.”

2. At the very outset, learned counsel for the respondents undertakes on instruction that pursuant to a meeting held between the Chief Engineer, National Highway Sub Division, Road Construction Department, Govt. of Bihar, Patna (respondent no. 3) and the Executive Engineer, N.H. Division, Sitamarhi (respondent no. 5), payment of the amount in question shall be made to the petitioner within two months hereof.

3. Learned counsel for the petitioner appears and states that he has no objection if payment is made within two months.

4. Having regard to the undertaking on behalf of the State, the writ petition stands disposed of with the observation that the petitioner shall be at liberty to represent before the concerned authority for payment of appropriate interest considering that the



cheque had originally been issued in the year 2009 itself. Any such representation may be disposed of on its own merits in accordance with law.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19.07.2018
Transmission Date	N.A.

