

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13163 of 2013

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Subhash Rani, wife of Madan Mohan Ghai, Resident of Mohalla- Nayatola, P.S-
Kazi Mohammadpur, District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar
2. The Engineer in Chief- cum- Special Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
3. The Zonal Chief Engineer, Public Health Engineering Department, Muzaffarpur.
4. The Superintending Engineer, Public Health Engineering, Darbhanga Circle, Darbhanga.
5. The Executive Engineer, P.H.E.D. Sub- Division, Madhubani.

.... Respondents

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Appearance :

For the Petitioner : Mr. Arun Kumar, Advocate

For the Respondents : Mr. Md. Faiz Ahmad, AC to GP 7

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 27-08-2018

Heard learned counsel for the petitioner as well as
learned counsel for the respondents.

2. The present writ petition has been filed against the
order of rejection of the petitioner's representation for payment of the
dues by the respondents in terms of the order contained in memo no.
74 dated 17.01.2012.

3. Learned counsel for the petitioner submits that despite
having completed the construction work in respect of the drilling and
sinking of tube-well in the town of Madhubani, vide agreement no. F2-
121 of 1990-91 as per work order vide Letter No. 789 dated



18.03.1991 issued by the Executive Engineer, P.H.E.D. Division, Madhubani, payment was not being made by the respondents. The petitioner approached this Court in CWJC No. 9072 of 2005 (*Subhash Rani Vs. The State of Bihar & Ors.*) for payment of Rs. 97,000/- which was disposed of by order dated 28.06.2011 (Annexure-7) granting liberty to the petitioner to approach the Superintending Engineer, Public Health Engineering, Darbhanga Circle, Darbhanga (respondent no. 4) with an appropriate application for redressal of her grievance. It is stated that such an application was filed which has however, been rejected by the impugned letter contained in memo no. 74 dated 17.01.2012 (Annexure-8).

4. Learned counsel for the respondents submits that the work done by the petitioner was not satisfactory and instead of fresh bore, the petitioner did not make proper bore, leading to discharge of only 12,311 gallons of water which was just half of the required quantity as per agreement executed with the petitioner.

5. Having heard learned counsel for the parties and on careful consideration of the materials available on record, this Court finds the writ petition to be devoid of merit. A categorical stand of the respondents is that the petitioner did not carry out the work properly and the bore started collapsing. Instead of making a fresh bore, the petitioner continued with the same boring which resulted into



insufficient discharge of water. The stand taken in the counter affidavit has not been disputed and no rejoinder has thereto has been filed on behalf of the petitioner.

6. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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