

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1025 of 2017

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Uma Shankar Pandey, Son of Shiv Narayan Pandey, resident of village -
Sahopara, P.S. Buxar (Industrial), District - Buxar

.... Petitioner

Versus

1. The State of Bihar through the Collector, Buxar
2. The Collector, Buxar
3. The Sub - Divisional Officer, Dumraon, District - Buxar
4. The Block Development Officer, Nawanagar, District - Buxar
5. The Block Development Officer, Itarhi, District - Buxar
6. The District Panchayati Raj Officer, Buxar
7. The Deputy Development Commissioner, Buxar
8. The District Agricultural officer, Buxar
9. The Assistant Engineer, Local Area Engineering Organization, Work Division,
Buxar

.... Respondents

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Appearance :

For the Petitioner : Mr. Siddharth Harsh, Advocate.

For the Respondents : Mr. Awanish Nandan Sinha, GP-21

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 02-05-2018

The present writ petition has been filed for the following
reliefs –

“(a) For issuance of an appropriate writ/order/direction commanding the respondents to forthwith ensure final measurement of the work already done by the petitioner in relation to construction of Kishan Bhawan in Block premises of Nawanagar vide Scheme No. 1/2010-11.

(b) For issuance of an appropriate writ/order/direction commanding the respondents to forthwith pay the petitioner, the balance amount if it is found that the petitioner has incurred more expenditure in the construction of Kishan Bhawan than the amount actually



allotted to him.

(c) For issuance of an appropriate writ/order/direction commanding the respondents to issue no dues certificate to the petitioner in relation to aforesaid Scheme.

(d) And/or for any other relief or reliefs for which the petitioner would be found entitled to in the facts and circumstances of the case.”

2. Upon hearing the parties at some length, this Court finds that the rival contentions involve disputes on several questions of fact which cannot be decided by this Court in its extra ordinary writ jurisdiction such as whether and the extent to which work was done prior to institution of the F.I.R. against the petitioner and thereafter.

3. Learned counsel for the petitioner fairly accepts that remedy by way of Arbitration before the Bihar Public Works Contracts Disputes Arbitration Tribunal under the Bihar Public Works Contracts Disputes Arbitration Tribunal Act, 2008 is available for redressal of his grievances.

4. In the above view of the matter, the writ petition stands disposed with liberty to the petitioner to approach the Arbitration Tribunal as above.

5. If the petitioner moves the Arbitration Tribunal within a period of 30 days from today, the respondents shall not take any coercive steps for recovery of the amounts paid to the petitioner until disposal of the matter by the Arbitration Tribunal.



6. It is made clear that this Court is not expressing any opinion on the merits of the claim of the petitioner.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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