

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.13424 of 2013**

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Vimal Kishore Son of Sri Jai Narayan Thakur Resident of Village + P.O. -  
Chhajan, P.S. - Kudhni, District - Muzaffarpur

.... .... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Water Resources Department
3. The District Magistrate, Muzaffarpur
4. The Chief Engineer, Tubewell Wing, Minor Water Resources Department,  
Muzaffarpur
5. The Superintending Engineer, Tubewell Circle, Muzaffarpur
6. The Executive Engineer, Tubewell Division, Muzaffarpur

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : None

For the Respondent/s : None

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL JUDGMENT

**Date: 27-08-2018**

None appears for either side despite repeated calls.

2. The present writ petition has been filed for a direction to the respondent no. 6 to comply the instruction issued by the respondent no. 5 as contained in Annexure-3 and in the light of said Annexure to take measurement of work done by the petitioner pursuant to Agreement No. 2SF2/2010-11; and for a direction to make payment of work done by the petitioner.

3. A perusal of the counter affidavit discloses the stand of the respondents to resist the writ petition. It is stated that the petitioner had done only partial work in hazardous manner which led to wastage of funds



without repairing of channel construction of the two items enumerated in para 3(viii) and the expenditure made was mere wastage of fund. It is stated that no amount is payable to the petitioner.

4. Having regard to the stand in the counter affidavit denying the petitioner’s entitlement for payment, which has not been disputed and no rejoinder has been filed on behalf of the petitioner, this Court finds the writ petition to be devoid of merit and is dismissed as such.

**(Vikash Jain, J)**

Chandran/BT

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| AFR/NAFR          | NAFR       |
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