

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12332 of 2017

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Surendra Prasad Chourasia, the Secretary Jan Vikas Samiti, son of late Sakaldhari Prasad, Resident of Hans Nagar Husse Chapra, at present residing at P.O. Methwaliya Pokhra, Chapra P.S. Chapra Town, Distt- Saran at Chapra Pin-841301.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Solid Waste Management Programme Urban Development Department and Housing Department, Govt. of Bihar, Patna
2. The Deputy Development Commissioner, Saran at Chapra
3. The Chairman, Nagar Pachayat, Dighjwara, Saran
4. The Executive Officer, Nagar Panchayat, Dist- Dighwara.

.... Respondents

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Appearance :

For the Petitioner : Mr. Shashi Shekhar Tiwary, Advocate.
For the State : Mr. Shiv Kumar, AC to GA-3
For the Resp. No. 4 : Mr. Ranjeet Kumar Pandey, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-01-2018

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The present writ petition has been taken up out of turn on the request of learned counsel for the petitioner for disposal of the same with a direction to the respondents to pay the admitted dues of the petitioner.

3. The present writ petition has been filed for the following reliefs:

“(A). The respondents may kindly be directed to release Rs. 11,60,550/- (-) Rs. 1,75,000/- = Rs. 9,85,550/- in favour of the petitioner towards completion of work assigned for Solid Waste Management.

(B). The respondents further may kindly be directed to return the D.D. No. 4673 (Sl. No. 242270) dated



27.05.2015 of Rs. 40,000/- i.e. serenity deposit as the sanitation work so assigned has already been completed in time.

(C) The respondents also may kindly be directed to pay adequate compensation on account of inordinate delay causing physical, mental and financial harassment to the petitioner along with the litigation cost.

(D) Any other relief or reliefs also may kindly be allowed for which the petitioner found entitled in the opinion of this Hon'ble Court."

4. Learned counsel for the petitioner submits that despite having completed the work assigned to the petitioner for Solid Waste Management, no payment has been made to him. The petitioner has filed representation before the Executive Officer, Nagar Panchayat, District- Dighwara (respondent no. 4) which is still said to be pending.

5. Learned counsel for the respondents as well as the Nagar Panchayat appear and has been heard.

6. Having regard to the nature of the grievances of the petitioner and with consent of the parties, this writ petition is disposed of, granting liberty to the petitioner to approach the Engineer Officer, Nagar Panchayat, Dist- Dighwara (Respondent No. 4) with a fresh representation for redressal of his grievances. If any such representation is filed within a period of two weeks from today, the same shall be considered and disposed of, ensuring payment to the extent found due to the petitioner, within a period of six weeks from the date of receiving the petitioner's representation. Any delay in payment of the admitted amount beyond the stipulated period as stated above, shall entitle the petitioner to receive payment together with simple interest at the rate of 6% per annum on the admitted dues calculated from the date when the amount became due till the date of



its actual payment. In case the petitioner’s claim is found inadmissible, whether in whole or in part, the petitioner’s representation shall be disposed of by a speaking order in that regard.

7. 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
CAV DATE	N.A.
Uploading Date	08.01.2018
Transmission Date	N.A.

