

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2717 of 2019

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Ritesh Kumar Singh, Son of Awadh Kishore Singh, Resident of Malepur, P.S.-
Malaypur, District-Jamui.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Bihar, Patna
2. The Chief Secretary, Bihar, Patna Bihar
3. The Principal Secretary, Building Construction Department, Bihar, Patna Bihar
4. The Chief Engineer (South) Building Construction Department, Bihar, Patna
5. The District Magistrate, Jamui. Bihar
6. The Superintending Engineer, Building Construction Department, Building Circle Manager Bihar
7. The Executive Engineer Building Construction Department, Building Division, Jamui, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha
For the Respondent/s : Mr.Chitranjan Sinha (PAAG2)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-06-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner, in the present case, is seeking a writ of mandamus commanding the respondents to pay a sum of Rs.16,58,000/- to the petitioner for the work done by him towards the construction of five seated lavatory (toilet) and bathroom in two sets. He has also prayed for a direction to pay Rs.1,50,000/- for the work of boring in the same premises as per the separate estimated work. The petitioner has then prayed for



interest and compensation.

From the narration of the facts in the writ application it appears that there is a statement to the effect that the allotment for the said work was released by the government but due to ill motive of the then District Magistrate the payment had not been made. In this regard, he has brought on record letters dated 08.07.2015 and 09.07.2015 as contained in Annexure-6 and 6/A to the writ application. The petitioner claims that he has completed the work under the estimated cost and quality within the time limit, the measurement of the work had also been done and was found complete.

Learned counsel for the State submits that, in the given facts and circumstances of the case, without going into the merit of the contentions raised on behalf of the petitioner at this stage, this Court may direct the District Magistrate, Jamui to look into the grievance of the petitioner as contained in his representation dated 15.07.2015 (Annexure-7).

Having heard learned counsel for the parties and on perusal of the records, this Court finds that the petitioner is claiming the amount saying that he had completed the work and for the same the allotments were also made. At this stage, this Court would not go into the merit of the contentions of the



petitioner and leave it open for the District Magistrate, Jamui to look into the grievance of the petitioner as contained in his representation dated 15.07.2015 which has been brought on record as Annexure-7 to the writ application. The District Magistrate, Jamui shall take an appropriate view of the matter based on the materials available on the record after giving an opportunity to the petitioner to represent him. In case, upon consideration, the District Magistrate, Jamui comes to a conclusion that any admitted amount is payable to the petitioner, the same shall be paid to him immediately and within a reasonable time. For the admitted amount, the Collector shall seek allotment from the government. Let the whole exercise be completed within three months from the date of receipt/production of a copy of this order.

The writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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