

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24828 of 2018

Rashmi Devi wife of Shushil Kumar Jha, Daughter of Sri Nivash Jha Resident of Mohallah- New Officers Colony, P.S. - Katihar, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Engineer in Chief, Rural Works Department Bihar, Patna.
3. The District Magistrate, Katihar
4. The District Deputy Development Commissioner, Katihar.
5. The District Planning Officer, Katihar.
6. The Executive Engineer, Rural Works Department, Regional Laboratory, Purnea.
7. Assistant Engineer, Rural Works Department, Regional Laboratory, Purnea.
8. The Executive Engineer, Rural Works Department, Works Division- Barsoi, Katihar.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Bimal Kumar
For the Respondent/s : Mr.Kumar Alok- SC7

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-02-2019 There are enough documents available with the writ application showing *prima facie* that the petitioner has completed the work under Agreement No. 09 F2/2017-18 being Mukhyamantri Setu Nirman Yojna (in short the 'MMSNY') and the Executive Engineer, Rural Works Department, Work Division, Barsoi, Katihar has made requisition from the District Planning Officer, Katihar to make available the required funds so that the payment may be made to the petitioner, but no step is being taken towards the payment. It is in these circumstances that the petitioner has moved this court seeking a writ of mandamus to the respondent authorities to make payment of the



admitted amount.

Learned counsel for the petitioner submits that the petitioner has completed the work in question which is under 'MMSNY' from his own resources and non-payment of the admitted dues of the petitioner is in fact not only causing him financial constraints, it is a kind of mental agony with which he is suffering due to non-payment.

Learned counsel for the State is present, however in the given facts and circumstances of the case presently he has no instruction to take a view on the claim of the petitioner.

This court is of the considered opinion that instead of keeping this writ application pending, it may be disposed of with a direction to the District Planning Officer, Katihar (respondent No. 5) to look into the requisition made by the Executive Engineer, Rural Works Division, Barsoi, Katihar, as contained in Annexure-3 to the present writ application, and, in case, it is found that the completion certificate has already been issued to the petitioner, as is being claimed vide Annexure-2 to the present writ application, all steps will be taken to disburse the necessary funds for payment of admitted amount whatsoever to the petitioner against the work in question. In case, for disbursement of funds approval of the District Magistrate,



Katihar or any other authorities of the State respondents are required, they would also be obliged to take necessary decision with regard thereon and ensure payment of admitted dues to the petitioner within a period of 60 days from the date of receipt/production of a copy of this order.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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