

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18900 of 2017

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Bishwajeet Kumar Son of Mr. Dinesh Prasad Yadav Resident of Village-
Majleshpur, P.O.- Lakhanaudih, Police Station and District- Banka.

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Road Construction Department, Govt. of Bihar, Patna.
2. The Secretary, Road Construction Department , Govt. of Bihar, Patna.
3. The Engineer-in-Chief, Road Construction Department , Govt. of Bihar, Patna.
4. The Chief Engineer.
5. The Superintending Engineer, East Bihar Circle Bhagalpur.
6. The Executive Engineer, Road Construction Department, Road Division, Dhoriya, Banka.
7. Assistant Engineer, Road Construction Department, Road Division, Dhoriya, Banka.
8. Junior Engineer, Road Construction Department, Road Division, Dhoriya, Banka.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Rajib Ranjan Jha, Advocate
For the Respondent/s : Mr.Raj Ballabh Pd.Yadav AAG11

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 27-02-2019 This writ application has been preferred seeking a direction to the respondents to pay an admitted dues of the petitioner amounting to Rs. 12,38,411/-. It is the case of the petitioner that he had completed the work in question but was not been paid the full agreement amount of Rs. 26,43,488/-.

The claim of the petitioner has been disputed by the respondent who have placed the second and final bill saying that the final bill was prepared for Rs. 14,05,077.05 and the said



amount has already been paid to the petitioner.

Learned counsel for the petitioner has submitted that the second and final measurement book does not take into account the work done after 11.08.2015.

The kind of dispute raised before this court, it would not be possible for a writ court to give a declaration in favour of the petitioner and based on that a direction to make certain payments. In case, the petitioner, if so advised, may seek his remedy before an appropriate forum and in accordance with law.

This writ application cannot be entertained and is hereby dismissed, but with the liberty aforesaid.

In case, any question of limitation arises before any other forum, the same will be considered keeping in mind that the writ application was pending before this court since its filing dated 05.12.2017.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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