

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16300 of 2013**

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Chandi Lok Kalyan Samiti Through Its Secretary/ Chairman Yadunandan Prasad S/O Late Bulkan Mahto Resident Of Village- Saidanpur, P.S- Chandi, District- Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Rural Development, Government Of Bihar, Patna.
3. The District Magistrate, Nalanda.
4. The Executive Engineer, P.H.E.D. Bihar Sharif, Nalanda.
5. The Assistant Engineer, P.H. Sub- Division, Bihar Sharif, Nalanda.
6. The Junior Engineer, P.H. Section, Chandi, Nalanda.
7. The Sub Divisional Officer, Bihar Sharif, Nalanda.
8. The Block Development Officer, Bind Block, Nalanda.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr.Pramod Kumar Sinha, Adv.<br>Mr.Sheo Jee Mishra, Adv. |
| For the Respondent/s | : | Mr.Pawan Kumar, AC to GA-1                              |

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      02-01-2019                      Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner, in the present case, is seeking a writ of mandamus directing the respondents to make payment of admitted dues amounting to Rs.4,55,000/- against the work conducted by the petitioner under District Water and Cleanliness Scheme, Nalanda.

It is the case of the petitioner that he has constructed 207 lavatory at village Katharahiadan Ishwarchak situated under Kathariah Panchayat at Bind Block, Nalanda.

As against the claim of the petitioner, a counter



affidavit has been filed on behalf of the State. Learned counsel for the State has pointed out the statements made in paragraphs 7 and 8 of the counter affidavit wherein it is stated that construction of toilets made by the petitioner was not found satisfactory as out of total 81 toilets only 14 nos. were found correct and accordingly payment was made. It is further stated that the petitioner has been informed about the same by the then Executive Engineer, Public Health Division, Biharsharif. It is further submitted that with respect to the toilets construction in village Manpur, Kathrahi and Ishwarchak several irregularities were found after inspection of the toilets. The erroneous bills which were raised by the petitioner had been returned vide letter no.65 dated 18.03.2010. Copies of the letters have been brought on record by Annexure-B series to the counter affidavit. It is further stated that the averments of the petitioner with regard to non-payment of the bills are not correct inasmuch as the petitioner has not submitted any of the bills which were returned to him earlier. No representation since then has been received in the office of DWSC, Nalanda.

In the given facts and circumstances of the case, this Court finds that there are some disputed question of facts which cannot be decided by taking note of the submissions or



averments made in the affidavit exchanged by the parties. There is specific statement that in the year 2010 itself the bills of the petitioner were returned and since then no bill has been submitted by him. In such circumstance, no mandamus can be issued directing the respondents to make payment to the petitioner. Liberty is, however, granted to the petitioner to submit the bills before the competent authority within a period of 30 days from today and in case such bills are submitted the competent authority shall examine the same, verify the works done and only after being fully satisfied the bills may be further processed for payment of admitted dues.

This Court has not recorded any opinion on such aspects of the matter and it will be fully within the jurisdiction of the competent authority to take a view.

The writ application is disposed off, accordingly.

**(Rajeev Ranjan Prasad, J)**

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