

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10255 of 2020

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Roushni D/o Ajit Kumar, Resident of Shiv Nagar North Fardo Gola, P.S.-
Sadar, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Bihar Public Works, Bihar, Patna.
2. The Secretary, Building Construction Division, South Bihar, Bihar, Patna.
3. The District Magistrate, Muzaffarpur.
4. The Superintending Engineer, Building Division, Muzaffarpur.
5. The Executive Engineer, Building Division, Muzaffarpur
6. The Accountant, Building Division, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raju Kumar, Advocate
For the Respondent/s : Mr.A.K. Dubey, AC to AAG 9

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 15-11-2021 Petitioner has prayed for the following relief(s):-

“(i) To issue an appropriate order/s direction/s including a writ preferably in the nature of Mandamus commanding and directing upon the respondents to make the payment of admitted dues of the petitioner amounting to Rs. 2, 32, 862/- (Rupees Two lacs Thirty two thousand Eight hundred and Sixty two) in lieu of works completed by the petitioner within time against contract agreement No. 264-F2/ 2018-19 entered with the petitioner and respondent No.5 for Repair of Drain in ANM Training School in



Bank Road Sadar Hospital at Muzaffarpur for the year 2018-19.

(ii) To direct the respondents to make the payment of aforesaid admitted dues of the petitioner hence forthwith which has been wrongly and illegally withheld by the respondents.

(iii) To direct the respondents to make the payment of penal interest on the aforementioned dues to the petitioner on account of delay and laches on the part of the respondents.

(iv) To any other relief/s to which the petitioner is entitled in the facts and circumstances of the case.”

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if the present petition is disposed of with a direction to respondent No. 5 to consider and decide the representation to be filed by the petitioner expeditiously and preferably within a period of six months from the date of its presentation.

Prayer allowed. Liberty, as prayed for, is granted.

Without expressing any opinion on merits, leaving all questions of fact and law open, the present application is disposed of with the liberty aforesaid.

We expect that Respondent No. 5 shall consider and decide the petitioner's application/request expeditiously and



preferably within a period of six months from the date of its presentation.

While considering such representation, the period for which the petitioner has been pursuing the present petition shall not be counted for the purposes of limitation.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS/-

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