

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10363 of 2020

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Sri Rajesh Kumar S/o Sri Balram Singh Resident of Village- Naya Tola
Madhopur, P.O.- Bakhtiyarpur, P.S.- Bakhtiyarpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Public Health Engineering Dept, Bishweshwaraiya Bhawan, Baily Road, Patna.
2. The Chief Engineer/Regional Chief Engineer, Public Health Engineering Dept, Bishweshwaraiya Bhawan, Baily Road, Patna.
3. The Superintending Engineer, Public Health Engineering Dept, East Division Patna.
4. The Executive Engineer, Public Health Engineering Dept, East Division Patna.
5. The District Magistrate, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Uday Prasad Singh, Advocate
For the Respondent/s : Mr. S. Raza Ahmad, A.A.G. 5

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

(Per: HONOURABLE THE CHIEF JUSTICE)

2 15-11-2021 Petitioner has prayed for the following relief(s):-

“For issuance of a writ in the nature of mandamus or any other appropriate writ/s, direction/s, order/s commanding the respondent to make payment to the petitioner his admitted dues of amount to a sum of Rs. 10,51,588/= against the executed work namely “Construction of 25 Tuebell in connection with agreement no F-1/17-18 under Patna District (East Division), The work in question is that work has already



completed within time, but due amount which could not have been paid to the petitioner due to non-availability of fund and to that effect the respondent Executive Engineer has already sent a detail report to the respondent higher authority but nothing could have been done in respect of aforesaid release of payment to the petitioner as yet.”

After the matter was heard for some time, learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to take recourse to such other remedies as are otherwise permissible and admissible in accordance with law as also represent to the appropriate authority, venting out the grievances, subject-matter of the present petition.

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expressing any opinion on merits, leaving all questions of fact and law open, the present application is disposed of as withdrawn with the liberty aforesaid.

We expect that the appropriate authority 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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