

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10463 of 2020**

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Nitu Ojha W/o Nalinikant Ojha, Resident of Rahul Nagar, M.I.T., P.s.-  
Brahampura, 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       |
|                      |   | Mr. Raj Kumar Sinha, Advocate |
| For the Respondent/s | : | Mr.Lalit Kishore, A.G.        |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 16-11-2021**

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. 2,06,670/- (Rupees Two lacs Six thousand Six hundred and Seventy ) only in lieu of works completed by the petitioner within time against contract agreement No. 243- F2/ 2018-19 entered with the petitioner and



respondent No. 5 for Repair of Different Bath Room in the campus of S.K.M.C.H. at Muzafrfarpur 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 latches 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 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)**

Sujit/Ashwini

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