

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1433 of 2021

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Jahid alias Md. Jahid Hussain alias Md. Jhaid Husain, Son of Md. Shamshad Alam, Resident of Village and Post Office-Chirah Araria, Ward No. 1, Police Station-Mahalgaon, District-Araria (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Building Construction, Government of Bihar, Patna.
2. The Chief General Manager, Bihar State Building Construction Corporation Limited, Patna.
3. The General Manager, Bihar State Building Construction Corporation Limited (North), Patna.
4. The Managing Director, Bihar State Building Construction Corporation Limited, Patna.
5. The Deputy General Manager, Bihar State Building Construction Corporation Limited, Purnea.
6. The Superintending Engineer, Bihar State Building Construction Corporation Limited, Purnea.
7. The Work Programme Officer, Bihar State Building Construction Corporation Limited, Purnea/Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajendra Lal Das, Advocate
For the Respondent/s : Mr. Lalit Kishore (AG)

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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

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

(A) For issuance of appropriate writ or writs, direction or directions, order or orders to the concerned respondents 2 to 6 for taking action on the last representation dated 24.06.2020 filed by

the petitioner relating to payment of remained due against work done proportion amount in tender amount tune Rs. 34,86,894/- (Rupees Thirty-four Lac Eighty-six thousand eight hundred ninety four) only and deposited security money with heavy panel interest on the net payable amount till the date of payment which is admitted under the agreement dated 07.03.2019.

(B) For taking due action against the concerned Respondent No. 5 who without issued written order merely on verbal order has stopped the work which was in completion mode and also has not paid any payment against the work done to the petitioner.

(C) For passing any other order or direction against the concerned relating to nonpayment of due remained amount of money against the work done.

(D) To pass such order or orders for which the petitioner is entitled for.”

Learned counsel for the petitioner states that petitioner shall be content if a direction is issued to the appropriate authority to consider and decide the petitioner’s representation, which is yet pending with the authorities.

We are of the considered view that since the representation pertains to the period June, 2020, it would be only prudent that the petitioner makes a fresh representation to

Respondent No. 4, namely the Managing Director, Bihar State Building Construction Corporation Limited, Patna.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall file a fresh representation before Respondent No. 4, namely the Managing Director, Bihar State Building Construction Corporation Limited, Patna within a period of four weeks from today;

(b) The said respondent shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law, should the need so arises subsequently;

(e) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to approach the Court, if the need so rises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits. All questions of fact and law are left open to be decided by the appropriate authority;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/PKP

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA