

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2692 of 2021

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Virendra Kumar Yadav, Son of Sri Yodhan Ray Resident of Near 1B (PWD),
Ward No.-16, Rajopatti, P.O. and P.S.-Sitamarhi, Distirct-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through principal Secretary, Rural Work Department, Patna.
2. Additional Chief Executive Officer-Cum-Secretary, Bihar Rural Roads Development Agency (B.R.R.D.A), Rural Work Department, Patna.
3. Chief Engineer, Rural Work Department, Patna.
4. Executive Engineer, Rural Work Department, Work Division, Sitamarhi
5. Executive Engineer, Rural Work Department, Work Division, Sheohar at Sitamarhi.
6. S.D.O., Rural Work Department, Work Division, Sitamarhi
7. Junior Engineer, Rural Work Department, Work Division, Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
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 : 20-12-2021

Re: I.A. No. 1 of 2021

The instant Interlocutory Application has been filed for substitution of the sole petitioner, namely Virendra Kumar Yadav who expired on 26th of May 2021 leaving behind his following legal heirs:-

(I) Premsheela Devi (wife) and

(II) Kartik Kumar (son).

As such, substitution is allowed.

Let the name of the petitioner be deleted from the cause-title of the petition and in his place the aforesaid legal heirs be impleaded as petitioner nos. 1.1 and 1.2.

Registry to make necessary correction in the cause-title of the petition, both on the digital as also the physical file.

Re: CWJC No. 2692 of 2021

Heard learned counsel for the parties.

Original petitioners have prayed for the following relief(s):-

- “i. For issuance of an appropriate writ/order/direction in the nature of Mandamus for directing and commanding the respondent authority to make payment of admitted contractual dues for 4th and 5th year maintenance of road from Majorganj to Gadwa Bishanpur Road with interest against the agreement no.- SBD / PMGSY / 50 OF 09-10 dated 25.11.2009 of Rs. 3,47,210/- (Three Laces Forty Seven Thousand Two Hundred Ten only) and 5,39,806/- (Five Laces Thirty Nine Thousand Eight Hundred Six Only) respectively and the total amount is 8,87,016/- (Eight Laces Eighty Seven Thousand and Sixteen Only) which is admitted due against the Maintenance work which were executed by the petitioner against the work order given by the Executive Engineer, Rural Work Department, Work Division, Sheohar at Sitamarhi (resp. no.-S).
- ii. To any other relief/ reliefs for which the petitioner entitled.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the

authority concerned to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

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

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four 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;

(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
issues are left open;

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

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