

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1254 of 2022

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Rajesh Kumar Sabri Son of Shashi Bhushan Tanti Resident of Village-Puran Bazar, Jamui, Police Station and Block-Jamui, District -Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Planning, Government of Bihar, Patna.
2. The Executive Engineer, Local Area Engineering Organisation, Work Division-I, Jamui.
3. The Assistant Engineer, Local Area Engineering Organisation Assembly Constituency Area, Jamui.
4. The Junior Engineer, Local Area Engineering Organisation, Work Division-I, Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the Respondent/s : Mr. Harish Kumar, GP-8

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

(Per: HONOURABLE THE CHIEF JUSTICE)

2 07-03-2022 Petitioner has prayed for the following relief(s):-

- (i) A writ in the nature of mandamus commanding and directing upon the Respondents concerned specially Respondent No. 2 to make payment of admitted dues of Rs. 2,35,323/- (Rupees Two Lacs Thirty Five Thousand Three Hundred Twenty Three only) against the allotted work of construction of P.C.C. work from



Jamui Daulatpur Sirari Rural Path till Jhingan Mahto to Prayag Pandit bearing Agreement No. 13Fz/2017-18 which as an Executing Agent petitioner has completed the work and Measurement Book has been prepared by concerned Respondent No. 4 and approved by Respondent No. 2 and 3 for payable amount of Rs.2,35,323/- but the same could not be paid due to non-availability of fund and continuous COVID 19 period but despite having the allotment the same is not being paid in pretext of reason best known by Respondents.

- (ii) To pay the admitted payable amount of Rs. 2,35,323/- with interest as petitioner being rural contractor has completed the assigned work arranging money on loan in legitimate expectation that after completion of work admitted amount will be paid immediately but in arbitrary manner on different consideration the payments are not being made.



(iii) Any other order/orders for granting any other relief/reliefs for which the petitioner is found entitled to in the facts and circumstances of the case.

After the matter was heard for some time, finding the Court not to be in favour with the submissions made across the Bar, learned counsel for the petitioner, under instructions, states that the petitioner shall be content if the petitioner is permitted to withdraw the present petition reserving liberty to initiate appropriate proceedings before the appropriate forum and/or to take recourse to such other alternative remedies, equally efficacious in law.

Permission granted.

We are sure that as and when any such proceedings are initiated, the same shall be considered and decided in accordance with law.

The petition stands disposed of as withdrawn with the liberty aforesaid.

Interlocutory Application(s), if any, shall stand



disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

P.K.P./Amrendra

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