

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4778 of 2022

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Mukesh Kumar Singh, S/o Harendra Singh Resident of Village- Mohjama,
Ghayaspur, P.S. and P.O.- Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Minor Irrigation Department Bihar, Patna.
2. The Chief Engineer Minor Irrigation, North Bihar, Patna.
3. The District Magistrate Muzaffarpur.
4. The Superintending Engineer Minor Irrigation Division, Muzaffarpur.
5. The Executive Engineer, Minor Irrigation Division, Muzaffarpur.
6. The Accountant Minor Irrigation, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raju Kumar, Advocate
For the Respondent/s : Mr. Sita Ram Yadav, GP-6

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

Date : 09-05-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“(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. 1,27,924/- (Rupees One lac Twenty Seven thousand Nine Hundred and Twenty Four) only in lieu of works completed by the petitioner within time against contract entered with the petitioner and respondent No. 5 vide Agreement No. 30F2/2019-20 for the work of Renovation of Ragho Manjhauli Pokhar, situated at Block-Bochahan, District-Muzaffarpur for the year 2019-20 vide Tender Invitation Information No. 05/2019-20 of Group No. 1967 dated 14-10-2019 issued by Superintending Engineer, Minor Irrigation Department,



Muzaffarpur.

(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 laches on the part of the respondents.

(iv) To any other relief/s for which the petitioner is entitled in the facts and circumstances of the case.”

We are informed that the Arbitration Tribunal constituted under the provisions of the Bihar Public Works Contract Disputes Arbitration Tribunal Act, 2008 is not functional and operational.

In this view of the matter, we are inclined to accept the petitioner's request of approaching respondent no. 2, namely, the Chief Engineer, Minor Irrigation, North Bihar, Patna inviting attention of his grievances with respect to the agreement executed in the year 2019.

Learned counsel for the State has no objection to the same.

We clarify that we have not expressed any opinion on merits. Also the issue of maintainability of the petition is left open.

Passing of the order shall not be construed as a precedent for the order is passed in the peculiar facts and circumstance of the instant case, more so, in view of the



petitioner’s previous request which are pending consideration with the authorities.

It is under these circumstances, we have passed the order.

We clarify that the authority shall take a view independent of any observations made by us.

Such view has to be based on the merits binding the parties to the agreement.

Liberty reserved to the parties to take recourse to such measures should the need so arise.

Needless to add, any request received from the petitioner shall be considered and decided within a period of two months thereafter.

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	13.05.2022
Transmission Date	

