

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6847 of 2022

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M/s Hitendra Kumar Mishra Son of Late Ram Bachan Mishra Resident of Village-Salaha, Police Station-Govindganj, District-East Champaran (Motihari).

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Building Construction, Departemnt of Government of Bihar, Patna.
2. The Chief Engineer (North). Building Construction Department, Government of Bihar, Patna.
3. The Superintending Engineer, Building Construction Division, East Champaran, Motihari.
4. The Executive Engineer, Building Construction Division, East Champaran, Motihari.
5. The B.D.O., Chakiya, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh, Advocate
For the Respondent/s : Mr.Amit Prakash (GA-13)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 21-06-2022

Heard learned counsel for the parties.

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

“That this is an application for issuance of an appropriate writ and/or order and/ or direction to the respondents for granting extension of time of the project as per agreement bearing agreement bearing agreement no. SBD No. 9 2017-18 for the Construction of Block I.T. Centre Building, Areraj in the district of East Champaran for the year 2017-18.

The petitioner also prays for a direction to

respondents for payment of 10% cut amounting to Rs. 30,96,704/- in the advance paid to the petitioner due to non-extension of time of the aforesaid project.”

After the matter was heard for some time, finding the Bench not to be agreeable with the submissions made by learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned i.e. **(Respondent No. 4, the Executive Engineer, Building Construction Division, East Champaran, Motihari)** 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 on 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) The order assigning reasons shall be communicated to the petitioner;

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

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(f) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) 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;

(h) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

(i) 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)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	