

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7315 of 2022

M/s Takshshila Project Having its registered office at Rameshwar Apartment, Flat No. 404, Kankarbagh, Patna, through its power of attorney holder Dhirendra Kumar, Male, aged about- 46 years, Son of Late Vijay Kumar Ojha, Resident of Ward No 30 Shree Krishna Nagar, Motihari, P.S. Nagar, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Deputy Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Engineer In Chief, Rural Works Department, Government of Bihar, Patna.
4. The Chief Engineer, Rural Works Department, Government of Bihar, Patna.
5. The Superintendent Engineer, Rural Works Department, Government of Bihar, Motihari.
6. The Executive Engineer, Rural Works Department, Chakiya Work Division, Motihari.
7. The Assistant Engineer, Rural Works Department, Chakiya Work Division, Motihari.
8. The Junior Engineer, Rural Works Department, Chakiya Work Division, Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shivam, Advocate
For the Respondent/s : Mr. Ajay (Ga 5)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-06-2022

Heard learned counsel for the parties.

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

- I. For issuance of writ in the nature of Mandamus for commanding the respondent authorities to facilitate the payment of the petitioner for the maintenance work done in regard from Bhakhari Nazir NH 28 to Semara from 1st May, 2015 to 30th of April, 2018.
- II. For grant of any other incidental or consequential relief/reliefs to which the petitioner may be found entitled to considering the facts and circumstances of the present case.

Learned counsel submits that despite the petitioner having taken recourse to the procedure stipulated under the agreement entered into between the parties, the respondent has failed to take any decision thereupon.

In this view of the matter, in the attending facts and circumstances, as prayed for, we dispose of the present petition with direction to the respondent no. 3, namely, the Engineer In Chief, Rural Works Department, Government of Bihar, Patna to ensure that decision in terms of the agreement (page 20) is positively taken within the period stipulated therein or within a period of two months, whichever is later.

Liberty reserved to the petitioner to take recourse to such remedies as are otherwise available in accordance with law, should the need so arise after the decision is taken by the

authorities.

Needless to add, the decision has to be strictly in terms of the agreement and in compliance of the principles of natural justice.

The instant 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	