

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13063 of 2021

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Amit Anand Son of Late Rana Pratap Singh Resident of Behind Janta Hotel,
Babu Tola Lane, Govind Mitra Road, P.S.-Pirbahore, P.O.-Bankipure,
District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt of Bihar, Patna.
2. The Principal Secretary Department of Building Construction, Govt. of Bihar Patna.
3. The Chief Engineer, Department of Building Construction, Govt. of Bihar Patna.
4. The Executive Engineer, Department of Building Construction, Patna Division, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Gautam Kumar Kejriwal, Advocate
For the Respondent/s : Mr.Sushil Kumar, GP-22

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

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

2 12-01-2022 Petitioner has prayed for the following relief(s):

“(a) For issuance of a writ in the nature of mandamus directing the respondents to take appropriate decision upon the representation dated 26.03.2021 and 03.04.2021 submitted by the petitioner and to release payment of the admitted dues at the earliest which has been accepted by the respondent number 4 in the letter bearing memo number 7606 dated 15.10.2020, letter number 1642 dated 22.02.2021 and letter



number 2304 anu. Dated 16.03.2021.

(b) For further issuance of a writ or order or direction upon the respondents to pay adequate interest to the petitioner on the total awarded amount payable to the petitioner in terms of own admissions of the respondents.

(c) For holding and a declaration that it is unreasonable, arbitrary and unfair on part of the respondents in sitting tight over the representation with legitimate grievance submitted by the petitioner on 24.02.2020 without any rhyme and reason and also in violation of Clause 4 B of the State Litigation Policy, Bihar.

(d) For grant of any other relief or reliefs to which the petitioner is found entitled to in the facts and circumstances of this case.”

After the matter was heard for some time, learned counsel for the petitioner, under instruction, states that the petitioner shall be content if a direction is issued to Respondent No. 4, namely The Executive Engineer, Department of Building Construction, Patna Division, Patna to consider and decide the representation to be filed by the petitioner along with a copy of this order within a period of four weeks, within a period of three months from the date of its presentation.

Without expressing any opinion on merits of the claim, petition is disposed of with the liberty aforesaid. All issues on facts and law are left open.

Needless to say that while considering such request,



principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

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

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.

The petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/chn

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