

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14141 of 2021

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Sopan Sah, Son of Muneshwar Sah Resident of Village- Lodhia, Post Office-
Lakhpura, Police Station- Barahat, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary Department of Planning and Development,
Government of Bihar, Patna.
3. The Principal Secretary Department of Revenue and Land Reforms, Bihar,
Patna.
4. The District Magistrate Banka.
5. The Superintending Engineer Building Construction Circle, Bhagalpur.
6. The Executive Engineer Building Construction Division, Banka.
7. The Assistant Engineer Building Construction Division, Banka.
8. The District Planning Officer Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajib Ranjan Jha, Advocate
For the Respondent/s : Mr.Lalit Kishore (AG)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the
Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 13-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“1. That, this writ application is being filed
for issuance of appropriate writ or writs,
direction or directions commanding the
respondents to pay the admitted amount of
Rs. 11,73,127.00 to the petitioner who has
completed the work for a agreement vide
No.101F2 2018 - 19 for the agreement
amount against Rs.11,24,960.00 which has

been with held by the respondents after completion of construction of Boundary wall AROUND Revenue Kachari at Village - Kachmachia in Barahat Block under Banka district for the year 2017 - 18, the said work was duly approved by the respondent No. 5 vide letter No. 728 dated 23.06.2018 and also after granting administrative approval by the respondents and or issuance of appropriate consequential writ or writs for delayed payment of penal as well statutory interest thereon and or issuance of appropriate writ or writs under the facts and circumstances of the case.”

3. After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned 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).

4. 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.

5. Statement accepted and taken on record.

6. As such, petition stands disposed of in 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) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

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

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

(f) 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;

(g) 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;

(h) We have not expressed any opinion on merits.

All issues are left open;

(i) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

7. The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	