

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14555 of 2021

Shiv Kumar Chanani, Son of Tulsi Ram Chanani, Resident of 301 Kokil
Campus, Manna Singh Lane, North Sri Krishnapuri, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Government of Bihar, Visheshwaraiya Bhawan, Bailey Road, Patna.
2. The Chief Engineer, Building Construction Department, Government of Bihar, Visheshwaraiya Bhawan, Bailey Road, Patna.
3. The Executive Engineer, Central Division, Building Construction Department, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anjani Kumar Jha, Advocate
For the Respondent/s : Mr. Manoj Kr. Ambastha, SC 26

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(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.)

Date : 19-01-2022

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

- (i) For issuance of writ in the nature of mandamus for directing the respondents for payment of admitted legitimate dues of petitioner lying with the respondent department to the tune of Rs. 13,69,140.12/- with interest as petitioner has completed the allotted work in April, 2020 which was allotted to him vide Agreement no. 1263 H2 of 2019-20.



- (ii) For issuance of writ in the nature of mandamus for directing the respondents for payment of admitted dues with compound interest @ 18% per annum compounded monthly and all cost, charges and expenses of incurred by the petitioner alongwith cost of litigation.
- (iii) For issuance of writ in the nature of mandamus for directing the respondents for payment of due amount within a time frame as petitioner is facing financial crisis since long due to the unwillingness of the respondent department in payment of admitted legitimate dues of the petitioner lying with the department.
- (iv) For any other relief/reliefs to petitioner is entitled for.

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 i.e. Respondent No. 3 namely The Executive Engineer, Central Division, Building Construction Department, Patna to consider and decide the representation which the petitioner shall be filing 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 three 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 in the following terms:-

(a) Petitioner shall approach the authority concerned i.e. Respondent No. 3 namely The Executive Engineer, Central Division, Building Construction Department, Patna 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 three 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) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) 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;

(f) Liberty reserved to the petitioner to approach the



Court, if the need so arises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits of the matter. All issues are left open;

(h) We expect that the appropriate authority shall consider and decide the petitioner's application/request expeditiously and preferably within a period of three months from the date of its presentation.

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	21.01.2022
Transmission Date	

