

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17196 of 2021

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Arun Kumar, Son of Ram Gopal Mahensaria, Proprietor of M/s Arunalay, Flat No.107, E Block, Raj Kishori Complex, Mulchand Path, New Colony, Chitragupt Nagar, Kankarbagh, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Development Department, Govt. of Bihar, Patna.
2. The Secretary, Rural Development Department, Govt. of Bihar, Patna.
3. The Joint Secretary (Animal Husbandry), Rural Development Department, Govt. of Bihar, Patna.
4. The Commissioner, Manrega, Rural Development Department, Government of Bihar, Patna.
5. The Deputy Development Commissioner, DRDA Office, Munger, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. P.K.Shahi, Sr. Advocate
		Mr. Vikas Kumar, Advocate
For the Respondent/s	:	Mr. Harish Kumar, GP-8

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

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(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.)

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Date : 22-01-2022

The petitioner has prayed for the following relief/s :-

“For quashing of part of order contained
in Memo No.421304 dated 24.04.2019 by which
wrong calculation has been done for work executed



by the petitioner and further 15% extra amount has been deducted from bills of the petitioner and payment of only Rs.1,21,69,565/- has been done to the petitioner as the calculation made in the said order is apparently wrong and deduction of 15 % amount has been made without any basis.

ii. For direction to the respondent authorities to make payment of Rs.29,03,531/- with interest of 18% amount from the date when it become due upto date of actual payment as the aforesaid amount has been wrongly deducted from the bill of the petitioner.

iii. For any other relief/reliefs for which the petitioner is found entitled.”

After the matter was heard for some time, finding the Bench not to be agreeable with the submissions made by learned senior counsel for the petitioner, learned senior 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).

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 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) 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;

(j) 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;

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	23.01.2022
Transmission Date	

