

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17258 of 2021

=====

Shailendra Kumar Singh, Son of Janeshwar Prasad Singh, Resident of Village- Bharkur, Post- Pawai, P.S.- Aurangabad (Muffasils), District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
3. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
4. The Chief Engineer, Water Resources Department, Government of Bihar, Patna.
5. The Chief Engineer, Water Resources Department, Aurangabad.
6. The District Magistrate, Aurangabad.
7. The Chief Engineer, Sone Command Area Development Agency, Sone Bhawan, Patna.
8. The Executive Engineer, Sone Command Area Development Agency, Sone Bhawan, Patna.
9. The Superintending Engineer, Sone Command Area Development Agency, Sone Bhawan, Patna.
10. The Director cum Chief Engineer, Water and Land Management Institution (Walmi) Phulwari Sharif, Patna.
11. The Executive Engineer, Water and Land Management Institution (Walmi) Phulwari Sharif, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar, Advocate
For the Respondent/s : Mr.Vikash Kumar (SC-11)

=====

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 : 22-01-2022

Heard learned counsel for the parties.

2. Petitioner has prayed for the following relief(s).

“ 1. That this is an application for issuance of appropriate writ(s)/direction(s) to the respondents to make all the payment i.e Rs. 8,64,442/- (Eight lacs Sixty Four thousand four hundred forty two only) to the petitioner with bank interest rate which is due for completion of the work namely village irrigation Canal Construction Work in village Chaukhara Under V.I.C. Scheme in Aurangabad Town Block in District- Aurangabad which was allotted to him vide agreement no. 12F2/2018-2019 dated 29.08.2018 by the respondent no.8.

And/or any other appropriate relief or reliefs to the petitioner for which he may be found entitled to in the eye of law.”

3. After the matter was heard for some time, finding the Bench not to be agreeable with the submissions made by learned counsel for the petitioner, 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. 4, The Chief Engineer, Water Resources Department, Government of Bihar, Patna)** 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) 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;

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	