

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17211 of 2021

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Pramod Kumar Sah, S/o Late Radhe Sah, R/o Village-Simri, P.O.-Kansi Simri, P.S.-Simri, District-Darbhanga Proprietor of M/s P and P. Construction and a Government contractor.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Sachiwalaya, Patna, Bihar.
2. The Superintending Engineer, Building Construction Department, BCD Division, Darbhanga.
3. The Executive Engineer, Building Construction Department, BCD Division (Sanrachana Pramandal), Darbhanga.
4. Assistant Engineer BDC Division (Sanrachana Pramandal), Darbhanga.
5. The Junior Engineer, Building Construction Department, BCD Division (Sanrachana Pramandal), Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Das, Advocate
For the Respondent/s : Mr.Sushil Kumar (S.C. 22)

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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 : 22-01-2022

Heard learned counsel for the parties.

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

1. That the present petitioner seeks the following reliefs through the present writ application for issuance of a writ in the nature of mandamus or any other writ, order/orders and direction to the respondents to consider the case of the petitioner:-

(I) For that payment of admitted dues against the completion of works like waiting Hall, toilet, Urinal in Sub-Registrar office, Kamtaul, Darbhanga with statutory interest.

(II) For issuance of any other relief or reliefs which the Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

(III) For issuance of any other relief or reliefs which the Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

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. 3, the Executive Engineer, Building Construction Department, BCD Division (Sanrachana Pramandal), Darbhanga)** 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	