

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12905 of 2022

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Neergagan Construction Pvt. LTD. through its Managing Director, Dilip Kumar, aged about-48 Years, Male, Son of Chandradev Rai, Resident of Village-Mahua bagh, P.O.-Sakricha, P.S.-Parsa Bazar, District-Patna at Present resident of Mohalla-Muradpur, P.O.-Mubarkpur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Chief Secretary, Rural Work Department, Bihar at Patna
3. The Engineer in Chief Rural Work Department, Bihar at Patna.
4. The Chief Engineer-1, Rural Work Department, Bihar at Patna.
5. The Superintending Engineer, Patna Circle, Rural Work Department, Patna.
6. The Executive Engineer, Rural Work Department, Works Division, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar, Advocate
For the Respondent/s : Mr. Ajay, GA-5

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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 : 09-09-2022

Heard learned counsel for the parties.

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



That this writ petition is being filed for issuance of a writ in the nature of writ of mandamus, directing the respondents authority to payment of admitted dues amount Rs. 267882.00 to the petitioner with interest 12% per annum with regard to supplementary agreement No.5/SBD/ 2020-2021 of original agreement No.5/SBD / 2018-2019 for construction of five years maintenance from NH-30A to Kolhar Harijan Tola and be further pleased to pass an appropriate writ or writs, direction or directions as your lordships may deem fit and proper.

After the matter was heard for some time, learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to take recourse to such other remedies as are otherwise permissible and admissible in accordance with law as also represent to the appropriate authority, venting out the grievances, subject-matter of the present petition.



Prayer allowed. Liberty, as prayed for, is granted.

Without expressing any opinion on merits, leaving all questions of fact and law open, the present petition is disposed of as withdrawn with the liberty aforesaid.

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.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	12.09.2022
Transmission Date	

