

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12918 of 2022**

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Baiju Rai Son of Bhola Rai, Resident of Mohalla-Talkhapur, Ward No. 12,  
Dumra Bari Bazar, P.S. Dumra, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Building Construction Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Building Construction Department, Government of Bihar, Patna.
4. BIHAR RELIGIOUS TRUST BOARD Building Construction Department, Building Circle, Muzaffarpur.
5. The Executive Engineer, Building Construction Department, Building Division, Sitamarhi.
6. The District Magistrate-cum-District Election Officer, Sitamarhi, District-Sitamarhi.
7. The Deputy Election Officer, Sitamarhi, District-Sitamarhi.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate  
For the Respondent/s : Mr.Amit Prakash ( GA13 )

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE RAJAN GUPTA**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 13-09-2022**

Petitioner has prayed for the following relief(s):

“(I) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities for payment of admitted dues of the petitioner against the work done by the petitioner for sealing work of doors and windows of Ex-Kamla Girls High School, Dumra in Sitamarhi



District for putting E.V.M. of Assembly Election, 2020.

(II) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to pay the aforesaid amount with statutory as also the pendentelite interest as the petitioner had invested the huge amount for discharging the said work after raising it from the open market and for which the petitioner is bound to pay the interest for the money borrowed by it.

(III) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

After the matter was heard for some time, finding the Court not in favour of the submissions made by the learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that the petitioner shall be content if the petitioner is permitted to withdraw the present petition, with liberty to initiate appropriate proceedings before the appropriate forum and to take recourse to such other alternate remedies which are equally efficacious in law.

Prayer allowed.

It is open for the petitioner to approach respondent No. 4, namely the Superintending Engineer, Building



Construction Department, Building Circle, Muzaffarpur, more so in view of the Litigation Policy of the State as also the the mandatory provisions, as contained in the Code of Civil Procedure.

The petition is disposed of as withdrawn with the liberty aforesaid.

It stands clarified that all issues of fact and law are left open to be agitated by the competent authority.

Interlocutory application(s), if any, shall also stand disposed of.

**(Sanjay Karol, CJ)**

**( Rajan Gupta, J)**

K.C.Jha/DKS

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