

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18583 of 2021

Saroj Kumar Singh Son of Ram Chandra Singh Resident of Village - Ghosrama, P.O. - Gosrama P.S. - Hayaghat, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Public Health Engineering Department, Bihar, Patna.
2. The Engineer in Chief Cum Special Secretary Public Health and Engineering Department Bihar, Patna.
3. The Chief Engineer Public Health Engineering Department Muzaffarpur.
4. The Executive Engineer Public Health Engineering Department, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate
For the Respondent/s : Mr. S. Raza Ahmad, AAG-5

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(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.)

Date : 31-01-2022

Heard learned counsel for the parties.

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

1. That this is an application for issuance of an appropriate writ/ order or direction in the nature of writ of Mandamus any other appropriate writ / order or direction commanding the respondents to pay the amount 31,52,593/- with interest for the work already completed / done by the



petitioner in year 2018-2019 (Flood & dry) in pursuance of the tender made between petitioners and respondent authority, the respondent authority he with holding the admitted balance (work amount) of the petitioner was hit released for the financial sanctioned amount.

We find the petitioner has an alternative statutory efficacious remedy, both in terms of the agreement as also the statute. Disputed question of fact cannot be adjudicated in the present petition, more so in a petition filed under Section 226 of the Constitution of India. It is a Work Contract and the agreement contains an arbitration clause. Also, there is a Tribunal constituted to adjudicate such disputes.

As such, we dispose of the present petition reserving liberty to the petitioner to take recourse to such remedies as are otherwise available in accordance with law.

As and when such proceedings are taken, we are hopeful that the same shall be considered and decided expeditiously in accordance with law.



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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	02.02.2022
Transmission Date	

