

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19016 of 2021

=====

Rajeshwar Singh Son of Sri Ram Nagina Singh Resident of Patel Nagar, P.O.-
Keshri Nagar, P.S.- Shashtri Nagar, Town and District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Director, Animal Husbandry, Veer Chand Patel Road, Patna.
2. The Director, Animal Husbandry, Veer Chand Patel Road, Patna.
3. The District Magistrate, Patna.
4. The District Animal Husbandry Officer, Patna.
5. Bihar Urban Infrastructure Development Corporation Ltd. (BUIDCO), through its Managing Director, Daroga Prasad Rai Path, R- Block, Patna.
6. The Executive Engineer, Bihar Urban Infrastructure Development Corporation Ltd. (BUIDCO), Patna East.
7. The Sub- Divisional Officer, Patna City-cum- Chairman, Sri Krishna Goshala, Patna City, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate
For the Respondent/s : Mr. Raj Kishore Roy, GP-18

=====

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, the present petition is for issuance of an appropriate writ(s), order(s) in the nature of **MANDAMUS** for commanding and directing the respondents for the payment of Rs. 12,33,136/- (Rs. Twelve Lakh Thirty Three Thousand One Hundred and Thirty Six) against the works executed in terms of agreement arrived in between the parties under Agreement No. 17 P2/ 2018-19 dated 30.11.2018 as the admitted amount remained unpaid whereas the works executed, bills submitted and after measurements the necessary communication were issued regarding the said payment repeatedly or time without number and for further prayer relates for the interest at the market rate on delayed amount of entitlement and litigating cost also for unnecessary harassments and for other necessary relief(s) on the basis of facts and circumstances of case as enumerated, stated and discussed hereinafter.

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	

