

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21299 of 2021

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Sanjit Kumar Singh, S/o Late Baleshwar Singh, resident of Village-Bindoul,
P.O. Bindoul, Police Station-Khizersarai, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna.
3. The Chief Engineer, Rural Works Department, Government of Bihar, Patna.
4. The Superintending Engineer, Rural Works Department, Works Circle, Gaya.
5. The Executive Engineer, Rural Works Department, Works Division Tekari, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kumar Dhirendra Pratap Singh, Advocate Mr. Vidhi Pratap Singh, Advocate Mr. Niraj Kumar, Advocate
For the Respondent/s	:	Ms. Archana Meenkshee, GP-6

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-08-2022

Heard learned counsel for the parties.

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

- (i) For issuance of writ in the nature of Certiorari to quash the letter no. 1250 dated 13.07.2021 (Annexure-6) by which and whereby petitioner has been informed by the respondent Executive Engineer regarding final measurement of work on 21.07.2021, forfeiture of his advance/ performance security money together with recommendation for his blacklisting as the same has been served upon mobile number of petitioner's brother Viveka Singh on his WhatsApp on



23.07.2021 without any show cause notice or affording opportunity of hearing.

- (ii) For issuance of an appropriate writ in the nature of Mandamus directing the Respondents 1&2 to make allotment of funds to the Respondent no. 5 for payment of admitted dues of the petitioner against bill of Rs. 11,97,964=00 out of which only Rs. 2,00,000=00 has been paid after extensive delay 4-5 months and remaining Rs. 9,97,964=00 is still not paid against the work done/completed by petitioner.
- (iii) For issuance of direction/directions to the respondents not to initiate any penal action against petitioner for non-completion of the work contract in question within time as the non-completion and delay in execution of work in question is attributed to respondents for latches in payments, constrains of COVID-19 pandemic and non-availability of material especially sand due to governments policy/latches on their part.
- (iv) For issuance of any writ/order/direction in alternative to allow 6 months further time with assured timely payments of bill at revised rate (since price index of everything has gone up).]
- (v) For issuance of an appropriate writ, order/orders, direction/directions in favour of the petitioner as your lordships may deem fit and proper in the facts and circumstances of the case.

After the matter was heard for some time, finding the Court not to be in favour with the submissions made across the Bar, learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition reserving liberty to take recourse to such other remedies, as are otherwise available,



in accordance with law.

Permission granted.

We are sure that as and when any such proceedings are initiated, before the appropriate forum/Tribunal, the same shall be considered and decided expeditiously, in accordance with law.

Needless to add, period for which the petitioner has been pursuing the matter before this Court, shall be excluded for the purpose of computing limitation.

It is made clear that we have not expressed any opinion on merits. All issues are left open.

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

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

(Sanjay Karol, CJ)

(Satyavrat Verma, J)

Rishi/-

AFR/NAFR	
CAV DATE	
Uploading Date	26.08.2022
Transmission Date	

