

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.322 of 2022

Sanjeev Kumar Son of Sri Satish Sharma Resident of Village- Kodihara, P.S.-
Khizarsarai, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Through its Principal Secretary, Building Construction Department, Bihar, Patna.
2. The Principal Secretary, Building Construction Department, Bihar, Patna.
3. The Joint Secretary Building Construction Department, Bihar, Patna.
4. The Chief Engineer (South) Public Works Department, Bihar, Patna.
5. The Superintendent Engineer Building Circle, Building Construction Department, Gaya.
6. The Executive Engineer Building Construction Department, Building Division, Gaya.
7. The District Magistrate Gaya, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sharda Nand Mishra, Advocate Mr. Dhananjay Kumar Gupta, Advocate Mr. Deepak Kumar, Advocate
For the Respondent/s	:	Mr.Manoj Kr. Ambastha, SC 26

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 : 18-02-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following



relief(s):-

“For issuance of writ in the nature of mandamus for direction to the respondents for payment of the contract due amount worth of Rs. 3,80,723/- which is due for payment of the works and further issued direction to respondents pay the contract due amount worth of Rs. 3,80,723/- along with 11% interest to till date of full and final payment and further give other legal and consequential benefit to the petitioner.”

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, more so in view of the disputed question of fact, fairly states that petitioner be permitted to withdraw the present petition reserving liberty to invoke the arbitration clause, and/or take recourse to such alternative remedies as are available in accordance with law.

Permission granted.

Petition stands disposed of in the aforesaid terms. We clarify that we have not adjudicated the dispute on merits. All questions of fact and law are left open to be agitated and adjudicated before the appropriate forum in appropriate proceedings.



Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	21.02.2022
Transmission Date	

