

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19114 of 2019

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M/s Priya Trading Company, Ward No. 3, madhepura, P.O. and P.S. Madhepura, District- Madhepura through its proprietor Priyanka Kumari (female), aged about - 35 years, wife of Sri Abhinaw Kumar, resident of Mohalla- Anand Vihar, Ward No. 2, Madhepura, P.O. and P.S. Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Chief Councilor, Madhepura Nagar Parishad, P.O. and P.S. Madhepura, District- Madhepura.
4. The Executive Officer, Madhepura Nagar Parishad, P.O. and P.S. Madhepura, District- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anita Kumari, Advocate
For the Respondent/s : Mr. Abbas Haider, SC 6

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-12-2022

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 a sum of Rs.1,23,35,085/- to the petitioner firm for which a bill has already been raised by the petitioner after completing the work as per agreement.

(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 completing the 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, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following



terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation before the respondent No. 2 namely, The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;



(f) Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits of the matter or the issues stand adjudicated in the judgment referred to supra. All issues are left open;

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Prakash/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

