

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.21443 of 2019**

Indu Devi, wife of Suresh Sah, resident of Village- Kharagpur, ward  
No. 11 P.S.- Bakhtiyarpur District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary old Secretariate Bihar, Patna.
2. The Principal Secretary the Urban Development and Housing Department Government of Bihar, Patna.
3. The Managing Director BUDCO Bihar Patna.
4. The Chief Engineer BUDCO Saharsa.
5. The Executive Engineer BUDCO Saharsa.
6. The Assistant Engineer BUDCO, Saharsa.
7. The Junior Engineer BUDCO, Saharsa.

... .. Respondent/s

**Appearance :**

|                      |   |                                          |
|----------------------|---|------------------------------------------|
| For the Petitioner/s | : | Mr. Amarnath Jha, Advocate               |
| For the Respondent/s | : | Mr. Lalit Kishore, Sr. Advocate          |
|                      |   | Mr. Rajiv Roy, GP-1                      |
|                      |   | Mr. Rabindra Kumar Priyadarshi, Advocate |

**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 12-12-2022**

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

“(i) For direction up on the respondents For payment of entire amount of Rs. 1491460.00 as par Agreement Nos. 05F2/ 2014-15 for the construction of pond at South of High School in Simri Bakhtiyarpur under MNVY for the year 2014-15 at



Saharsa to the petitioner which has been duly signed by the petitioner and the Respondent No-5

(ii) For direction up on the respondents to pay her dues with interest.

(iii) For any other relief (s) / order (s) to which the petitioner may be found entitled in the facts and circumstances of the case.”

After the matter was heard for some time, learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to take recourse to such remedies as are otherwise stipulated in the agreement and are available in accordance with law.

We notice that petitioner has raised dispute with regard to non-payment of amount arising out of works contract, which stipulates mechanism of resolution of disputes through the process of conciliation and arbitration.

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

We are sure that as and when any such proceedings is initiated, the same shall be adjudicated expeditiously in accordance with law.

Without expressing any opinion on merits, leaving all



questions of fact and law open, the present application is disposed of as withdrawn with the liberty aforesaid.

It is made clear that we have not expressed any opinion on merits. All questions of fact and law are left open.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

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

**(Sanjay Karol, CJ)**

**(Partha Sarthy, J)**

avinash/Sujit

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