

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22727 of 2019

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Tiro Singh S/o Late Ramesh Prasad Singh R/o Village- Lohanda, P.S.-
Sikandara, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Bishesharaiya Bhawan, Government of Bihar, Patna.
2. The Principal Secretary, Building Construction Department, Bishesharaiya Bhawan, Government of Bihar, Patna.
3. The Engineer In- Chief, Building Construction Department (South), Bishesharaiya Bhawan, Government of Bihar, Patna.
4. The Superintending Engineer, Building Construction Department, Building Division, Munger.
5. The Executive Engineer, Building Construction Department, Lakhisarai.
6. The District Magistrate, Lakhisarai.
7. The Deputy Development Commissioner, Lakhisarai.
8. The District Planning Officer, Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma, Advocate
For the Respondent/s : Mr. Uday Shankar Saran Singh, GP-19

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-12-2022

Heard learned counsel for the parties.

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

- 1 That, this is an application for issuance of an appropriate writ/writs, order/orders, direction/directions in the nature of mandamus/certiorari for quashing of the aggrieved portion of the order as contained in memo no.7635(Bh) dated



22.7.2015 passed by the Principal Secretary, Building construction Department (respondent no.2), whereby and where under vide para-4(II) order has been passed for payment of contractual amount of the petitioner whichever is minimum in comparison to Road and Railway although the petitioner is entitled to receive payment of contractual amount on the rate prescribed for by Road as per the work done by him for construction of P.C.C. Road, Lakhisarai for which the Executive Engineer has also clarify vide his letter no.751 dated 16.8.2014 that the petitioner has carry stone chips from Road. And for commanding and directing to the respondent authority to make payment of differential dues amount of the petitioner about Rs.9,54,745/- (Nine lakhs fifty four thousand seven hundred and forty five only) with respect to construction of P.C.C. Road from Bus stand (Jamui to Sikandra) Road to New Bye Pass road, Lakhisarai along with suitable interest. And for the other necessary relief or reliefs for which the petitioner is entitle to in accordance with law.

After the matter was heard for some time, finding the Court not to be in favour of 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)

(Partha Sarthy, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	16.12.2022
Transmission Date	

