

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3068 of 2023

Shiv Kumar Chanani Son of Tulsi Ram Chanani, Resident of 301 Kokil Campus, Manna Singh Lane, North Sri Krishnapuri, P.S.- S.K. Puri, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Government of Bihar, Visheshwaraiya Bhawan, Bailey Road, Patna.
2. The Chief Engineer, Building Construction Department, Government of Bihar, Visheshwaraiya Bhawan, Bailey Road, Patna.
3. The Executive Engineer, Central Division, Building Construction Department Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Anjani Kumar Jha
For the Respondent/s : Mr.Manoj Kr. Ambastha (Sc26)

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 29-03-2023 1. The petitioner, by way of this writ petition, has
prayed as under:-

“(i) For issuance of writ in the nature of mandamus for directing the respondents for payment of admitted legitimate dues of petitioner lying with the respondent department to the tune of Rs. 14,67,869/- with interest as petitioner has completed the allotted work in April, 2022 which was allotted to him vide Agreement no. 1466 F2 of 2021-22.

(ii) For issuance of writ in the nature of mandamus for directing the respondents for payment of admitted dues with compound interest @ 18% per annum compounded monthly and all cost, charges and expenses



of incurred by the petitioner alongwith cost of litigation.

(iii) For issuance of writ in the nature of mandamus for directing the respondents for payment of due amount within a time frame as petitioner is facing financial crisis since long due to the unwillingness of the respondent department in payment of admitted legitimate dues of the petitioner lying with the department.

(iv) For any other relief/reliefs to petitioner is entitled for.”

2. In view of the provisions of the **Commercial Court Act, 2015**, the remedy lies for claiming the said amount to the Commercial Court/Civil Court.

3. The petitioner having an an alternate efficacious remedy available in law, the writ petition would not be maintainable and is, accordingly, dismissed with the aforesaid liberty.

(Sanjeev Prakash Sharma, J)

Gauravkr/-
Item No. 17

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