

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2229 of 2023

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Mukesh Kumar S/o Moti Lal, R/o 58, Gaighat, South Lane, Gulzarbagh,
Patna, Bihar-800007

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Patna Municipal Corporation Through the Municipal Commissioner.
3. The Deputy Municipal Commissioner, Patna Municipal Corporation.
4. The Chief Municipal Engineer, Patna Municipal Corporation.
5. The Executive Engineer, Ganga Pramandal Patna Municipal Corporation.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Mayuri, Adv.
For the P.M.C.	:	Mr. Prasoon Sinha, Adv.
For the State	:	Mr. Abbas Haider, SC 6

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**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:-

*“1. That the present writ application has been
filed on behalf of the petitioner above named;*

*(i) For issuance of a direction, order or writ,
including a writ in the nature of mandamus commanding
the concerned Respondent Authorities to forthwith release
the payment of the petitioner who had completed the work
of improvement of Chhath Puja Ghat and arrangement for
Kartik Purnima in the year 2019.*

(ii) For issuance of a direction, order or writ,



including a writ in the nature of mandamus commanding the concerned Respondent Authorities to enquire as to why the payment has not been processed till date despite the fact that the work completion letter of the petitioner was endorsed by the Authorities themselves.

(iii) For issuance of a direction, order or writ, including a writ in the nature of certiorari quashing the arbitrary letter issued by the Respondent Authorities whereby it was directed that 50% of the payment of the petitioner would be deducted.

(iv) For issuance of a direction, order or writ, including a writ in the nature of mandamus commanding the concerned Respondent Authorities to state as to why the payment was not made to the petitioner despite the fact that the Empowered Standing Committee had passed the same by way of resolution passed in the meeting conducted by them on 04.02.22.

(v) For issuance of a direction, order or writ, including a writ in the nature of mandamus to direct the Respondent Authority to pay the due amount alongwith the statutory as well as pendente lite interest on the ground that the delay in payment is directly and solely attributable to the inaction of the Respondent Authorities.

(vi) For issuance of any other relief/reliefs which it may deem to be fit and proper with the facts and circumstances of the present case.”



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)

Sachin/-
Item No. 6

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