

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2313 of 2023

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Rajeev Kumar Choudhary Son of Late Binod Narayan Choudhary, R/o
Satpura Colony, P.S.- Musahri, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Bihar, Patna.
2. The Engineer in Chief, Building Construction Department, Bihar, Patna.
3. The Chief Engineer (North), Building Construction Department, Bihar, Patna.
4. The Superintending Engineer, Building Circle, Darbhanga.
5. The Executive Engineer, Building Circle, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raju Kumar, Advocate Mr. Abhash, Advocate
For the State	:	Mr. Shobha Choubey, AC to GP 19

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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 petitioner has filed the instant writ
petition invoking the extra writ jurisdiction of this Hon’ble
Court inter alia for the following reliefs:-*

*(I) To issue an appropriate order/s, direction/s
including a writ preferably in nature of Mandamus
commanding and directing upon the respondents to make
the payment of a sum of Rs. 64,91,593/- (Rupees Sixty Four
Lacs Ninety One Thousand Five Hundred and Ninety
Three) only to the petitioner who has completed the work*



*for construction of Block I.T. Center Building at Sadarf
Block in District Darbhanga for the year 2017-18.*

*(II) To direct the respondents to make the
payment of above mentioned admittee dues of the petitioner
with penal interest on account of delay and latches on the
part of the respondents.*

*(III) To any other relief/s to which the petitioner
is entitled in the facts and circumstances of the 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. 7

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