

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2718 of 2023

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Binod Kumar Mishra S/o Shri Paras Mishra Resident of Vill and P.O.-
Durgadih, P.S.-Bikramganj, Dist-Rohtas (Sasaram), Bihar-802212

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Urban Development and Housing Department, Govt. of Bihar
2. The Executive Engineer Cum Project Director District Urban Development Agency Under The Department of Urban Development and Housing, (Duda) Rohtas, Govt. of Bihar, Rohtas, Sasaram.
3. The Executive Engineer Bihar Urban Infrastructure Development Corporation Ltd., Rohtas, Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Deo Prakash Singh, Advocate
For the State	:	Mr. Rakesh Ambastha, AC to AAG 7
For the Respondent No. 2 & 3	:	Mr. Shambhu Nath, Advocate

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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 for grant of following reliefs:-*

*i) That instant Writ Application is being filed for
issuance of writ in the nature of mandamus to direct the
Respondents to pay the admitted outstanding amount of Rs.
14,93,741/- (Fourteen Lakh Ninety Three Thousand Seven
Hundred Forty One only) with interest from the day the
outstanding amount became due till the actual date of
payment to the Petitioner against the due of the work done,
physically measured and verified by the Respondent No.-2*



for the three road construction agreements namely:-

a) Work order no.-11, Construction of Ghat at Kesath Rajwaha No.-1 in front of Deepak Sah house in ward no.-16 under Nagar Panchayat, Vikramganj, Rohtas for the year 2013-14, dated 14/11/2014.

b) Work order no.-2, Construction of P.C.C. Road Shri Virendar Singh house, Vice-Chairman to P.C.C. Path in ward no.-16 under Nagar Panchayat, Vikramganj, Rohtas for the year 2013-14, dated 14/11/2014.

c) Work order no.-9, Construction of P.C.C. Road and Drain from Vikramganj-Nasriganj, Main Road to Ramji Pandey house, ward no.-16 under Nagar Panchayat, Vikramganj, Rohtas for the year 2013-14, dated 14/11/2014.

ii) That for holding a declaration that the non-payment of the outstanding admitted amount for the work undertaken and completed by the Petitioner for more than 7 years without any reason and fairness is squarely illegal, arbitrary, capricious, and contrary to the mandate under the constitution of India as well as the principles of law and practice.

iii) For grant of any other relief(s) to which the Petitioner is found entitled to 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. 10

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