

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2948 of 2023

M/s Star Construction, Balua Tal Motihari East Champaran, P.S.-Nagar Town, District-East Champaran, through its Managing Partner Pervez Ahmad Khan, aged about 50 Years, Male Son of Haseen Ahmad Khan, Resident of Balua Tal Motihari, West Champaran, P.S.-Nagar Town, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna.
3. The Chief Engineer-3, Rural Works Department, Government of Bihar, Patna.
4. The Superintendent Engineer, Rural Works Department, Sitamarhi.
5. The Executive Engineer, Rural Works Department, Bairania (Marpa to Akhta (W)).
6. The Assistant Engineer, Rural Works Department, Bairania.
7. The Junior Engineer, Rural Works Department, Bairania.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Yogesh Kumar, Advocate
For the State : Mr. Prem Ranjan Raj, AC to SC 7

**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 this Civil Writ application is being
filed for issuance of appropriate writ/writs,
direction/directions, order/orders and thereby for grant of
following relief to the petitioner:-*

*I. For issuance of direction to the respondent
authorities to pay the admitted dues of 4-year maintenance
with respect to Agreement no. SBD/P.M.G.S.Y. of 8/2009-10,
work namely construction of Marpa to Akhta (W) Road*



under PMGSY.

II. For issuance of direction to the respondent authorities to return the Security deposit of the petitioner as the petitioner admittedly executed the entire work and his entire bill was paid and he also completed the 5 years maintenance work.

III. The petitioner further prays for issuance of direction to the respondent authorities to pay adequate interest upon the aforementioned dues of the petitioner.

IV. For any other relief/reliefs for which the petitioner may be deemed entitled to.”

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. 15

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