

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3805 of 2023

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M/S Kumar Brothers Enterprises Private Limited Madarsa Road, P.O. Sasaram, P.s. Sasaram Town, District-Rohtas at Sasaram through its Director Sujit Kumar Singh (male), aged about -41 years, Son of Late Jagnarayan Singh, resident of House No. 312, Khilanganj, P.O. Sasaram, P.S. Sasaram Town, District-Rohtas at Sasaram ... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Director, Panchayati Raj Department, Government of Bihar, Patna.
4. The Joint Director, Panchayati Raj Department, Government of Bihar, Patna.
5. The Principal Secretary, Public Health and Engineering Department, Government of Bihar, Patna.
6. The Engineer-in-Chief-cum-Special Secretary, Public Health and Engineering Department, Government of Bihar, Patna.
7. The District Magistrate, Rohtas at Sasaram, District-Rohtas at Sasaram.
8. The District Panchayat Raj Officer, Rohtas at Sasaram, District-Rohtas at Sasaram.
9. The Deputy Development Commissioner, Rohtas at Sasaram, District-Rohtas at Sasaram.
10. The Block Development Officer, Rohtas, District-Rohtas at Sasaram.
11. The Panchayat Secretary, Gram Panchayat Raj, Rohtasgarh, Block-Rohtas, District-Rohtas at Sasaram.
12. The Mukhiya, Gram Panchayat Raj, Rohtasgarh, Block-Rohtas, District-Rohtas at Sasaram. ... Respondents

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Appearance :

For the Petitioner : Mr.Awnish Kumar, Adv.
For the Respondents : Mr.Ajay, GA V

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

11 14-09-2023

Heard learned counsel for the parties.

2. The present Writ Petition is filed for the following relief(s) :

(I) For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities for payment of pilot project under Mukhya Mantri Gramin Pay Jal



Nischay Yojana installed by the petitioner in village Dhansa (Ward No.3) in Gram Panchayat Raj, Rohtasgarh operated through the solar power based pump and motor by way of a demo project on the request of the Respondents in the year 2018 in respect whereof the request is being made by the petitioner and the District Administration to the State Government since 2018 for release of fund to the tune of Rs.44,17,264/- (Rupees Forty Four Lacs Seventeen Thousand Two Hundred Sixty Four only) in the concerned account of the Gram Panchayat for payment to the petitioner, however, since fund is not being released, the petitioner has not been paid the due amount so far.

(II) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities for payment of aforesaid amount with interest at least at the rate of 12% per annum since the petitioner had already completed the said demo project in the year 2018 and since then the efforts are being made for release of the fund so that the petitioner can be paid his due amount which has not been paid to him, so far.

(III) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.

3. Learned counsel for the petitioner has stated that even though the petitioner has completed the works, the authorities are not paying the bill amounts on the ground that the work order has not been issued to the petitioner. Counsel has stated that on the directions of the respondent authorities, the petitioner under the Mukhya Mantri Gramin Pay Jal Nischay



Yojana scheme had installed a solar power based pump motor in the year 2018. The said pump was installed on the request of the District Administration for which the petitioner incurred an expenditure of an amount of Rs.44,17,264/-. Learned counsel has stated that the authorities concerned after execution of the said project have issued a certificate (Annexure P/8) stating that the work done by the petitioner is satisfactory. Even the petitioner has installed the solar based motor pump in the year 2018, the authorities are not paying the amounts due on the ground that the no work order was issued to the petitioner nor any agreement was entered by the parties. Therefore, learned counsel seeks a direction from this Hon'ble Court to the authorities concerned for making the necessary amounts due to the petitioner.

4. Per contra, the learned counsel appearing on behalf of the respondents has stated that though the petitioner is claiming that he is an agent of HBL Power System Ltd., Patna, the said HBL Power System Ltd. is not made a party to the present CWJC. The petitioner has not filed any proof that they are the authorized agents of HBL Power System Ltd. Further, it is stated by the counsel that till date no measurement book has been submitted by the petitioner to substantiate his claim that an



amount of Rs.44,17,264/- is payable to the petitioner. Further, it is stated that the authorities have not issued any work order nor any sanction order was issued, therefore, the question of paying any amounts to the petitioner does not arise. Learned counsel has stated that the issues raised in the present Writ Petition are all disputed questions of facts and the same cannot be gone into by this Hon'ble Court under Article 226 of the Constitution of India and prayed for disposal of the present CWJC.

5. At this stage, the learned counsel for the petitioner has stated that the petitioner may be directed to make a representation before the Respondent No. 2, herein, ventilating his grievance along with necessary documents to substantiate his claim and the Respondent No. 2 may be directed to disposed off the said representation. Learned counsel for the respondents has stated that they have no objection for passing such an order.

6. Having regard to the same without going into the merits or demerits of the case, this Court is of the opinion that the ends of justice would be served if the petitioner is directed to make a representation before the Respondent No. 2, i.e., the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna, herein, ventilating his grievance along with the supporting documents. The petitioner shall make the



representation within four weeks from the date of receipt of the copy of this order. On such representation being made, the Respondent No. 2 shall consider the same on its own merit and pass a reasoned order.

7. It is needless to mention that before passing any orders, the petitioner shall be put on notice and given an opportunity of hearing. The entire exercise shall be completed as expeditiously as possible preferably within a period of eight weeks from the date of the representation. Any order passed shall be communicated to the petitioner.

8. In case the Respondent No. 2 comes to the conclusion that the claim of the petitioner merits consideration, then, necessary steps may be taken for payment of the amounts due.

9. With the above directions, present Writ Petition stands **disposed off**.

(A. Abhishek Reddy , J)

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