

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.642 of 2023

In

Civil Writ Jurisdiction Case No.2660 of 2020

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Anil Kumar Son of Late Deo Sahay Singh, Resident of Rajmuni Bhawan,
S.K. Puram, Near Arya Samaj Mandir, Bailey Road, Danapur, P.S. Danapur,
District- Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Building Construction Department, Bihar, Patna.
2. Mr. Kumar Ravi, The Principal Secretary, Building Construction Department, Bihar, Patna.
3. Dr. Chandrashekhar Singh, The District Magistrate, Patna.
4. Mr. Pradeep Singh, The Sub-Divisional Magistrate, Danapur, Patna.
5. Mr. Amarjeet Kumar, The Executive Engineer, West Patna Building Division, Building Construction Department, Patna.
6. Mr. Nitish Paswan, The Assistant Engineer, Building Sub- Division, Danapur, Building Construction Department, Patna.
7. Mr. G Rameshwara Reddy, The Director, Recruiting, Recruiting Office (HQ), Headquarter Recruiting Zone (Bihar and Jharkhand), Danapur, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. S.D. Yadav, AAG 9

Mr. A.K. Dubey, AC to AAG 9

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

4 10-10-2023

The present M.J.C. is filed for non-compliance of the
order dated 20.09.2022 passed in C.W.J.C. No. 2660 of 2020.

There were certain disputes in respect of execution of work
allotted to the petitioner. In other words, part payment were
stated to have been made to the extent of Rs. 5,76,862/-.



Petitioner was not satisfied with the settlement, therefore, he has invoked remedy in filing writ petition.

2. This Court has directed the petitioner to submit representation and the same is required to be considered by the concerned authority after hearing the petitioner. Initially the petitioner was not heard, therefore, this Court directed the concerned authority to hear the petitioner. Accordingly, petitioner was heard and detailed communication has been made on 15.09.2023. It is to be noted that the work allotted to the petitioner is stated to be worth about Rs. 10,43,117/- whereas petitioner is alleged to have executed the work worth of sum of Rs. 5,76,862/-. In this backdrop, the concerned respondent have settled a sum of Rs. 5,76,862/- instead of Rs. 10,43,117/-.

3. These are all disputed issues which cannot be agitated in the writ proceedings and so also in the contempt of Court proceedings. The actual work and amount is required to be determined by the concerned official. If the petitioner is not satisfied, in that event, he has remedy of invoking Arbitration. If Arbitration Clause is not available to the petitioner, in that event, he has remedy of filing Civil Suit. In the light of these facts and circumstances and the fact that the concerned respondent has complied the order of this Court as is evident



from the communication dated 15.09.2023, the present contempt petition stands dropped reserving liberty to the petitioner to invoke Arbitration or in filing Civil Suit.

4. At the stage, learned counsel for the petitioner seeks permission to withdraw the present MJC/contempt petition.

5. Accordingly, present MJC/contempt petition stands dismisses as withdrawn.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

GAURAV S./-

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