

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5480 of 2023

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Sudhir Singh S/o late Mandip Singh Resident of Present Address-
Dharamshala Road, Shahpur, Near Patnajali P.S.- Town, District- Aurangabad,
Permanent Address- village- Gandra, P.S.- Rafiganj , District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Building Construction
Department Government of Bihar, Patna.
2. The District Magistrate Cum Returning Officer, Aurangabad
3. The Deputy Election Officer, District Election Office, Aurangabad.
4. The Executive Engineer, Building Division Aurangabad.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 5283 of 2023

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Dharmendra Kumar Son of Late Anant Rai R/o Village Bhainsahi P.S. Karup,
Dist.- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Building
Constructions, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Building Constructions, Govt. of
Bihar, Patna.
3. The Executive Engineer, Building Construction Department, Main Building
PRamandal, Aurangabad.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 5480 of 2023)

For the Petitioner/s : Mr. Rajiv Ranjan, Advocate

For the Respondent/s : Mr.Syed Iqbal Ahmad (Sc20)

(In Civil Writ Jurisdiction Case No. 5283 of 2023)

For the Petitioner/s : Mr.

For the Respondent/s : Mr. Manoj Kr. Ambastha (SC-26)

Mr. Subodh Kumar, AC to SC-26

District Magistrate, Aurangabad: Mr. Suharsh Bhagad

EE, BCD, Aurangabad : Mr. Shashi Bhusan

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 15-05-2023

C.W.J.C. No. 5480 of 2023

Mr. Suharsh Bhagad, District Magistrate, Aurangabad



is present in the Court. The petitioner is stated to have completed work on 06.11.2020 and his all dues are not settled for these many years, therefore, he is permitted to settle the same before the next date of hearing.

Re-list this matter on 20.06.2023.

2. Personal appearance of the District Magistrate, Aurangabad and Mr. Shashi Bhushan, EE, BCD, Aurangabad stands dispensed in the event of compliance of the order, failing which they shall be present in the Court.

C.W.J.C. No. 5283 of 2023

None appears for the petitioner.

2. In the instant petition, petitioner has prayed for following reliefs:-

"i. For issuance of a writ in nature of "Mandamus" directing and commanding the respondent authorities to pay the petitioner the balance payment of outstanding dues of contractual assignment of Cultural Centre Building at Kasturba Gandhi Balika Vidyalaya, Dev, multi purpose community center at Kutumba Block Area and also at Navinagar Block Area to the tune of Rs. 14,52,968 along with statutory interest from the date of due to the date till it is paid.

ii. For issuance of any other relief or relief or reliefs for which the petitioner is entitled for."



On 04.05.2023 following order was passed:-

"Today, this Court has interacted with the Executive Engineer as well as the Junior Engineer, it appears that either there is some confusion or they are not interested in resolving the issues.

In such circumstances, let these two officers discuss the matter with the District Magistrate, Aurangabad who has issued Annexure '2' in respect of the two works completed by the petitioner.

List this matter on 15th May, 2023.

On the said date, this Court would either be informed positively on affidavit that the matter has been resolved and the admitted payment is either made or is being made to the petitioner else the District Magistrate, Aurangabad and the Executive Engineer both will be present before this Court at 2:15 PM.

The personal appearance of the Junior Engineer is dispensed with."

3. Today respective officials are present in the Court.

Affidavit of District Magistrate, Aurangabad has been filed.

4. Learned counsel for State-respondent on instruction submitted that petitioner was required to execute three projects. As and when running bills were submitted to the concerned authority, it has been disbursed. In respect of all the three projects, the petitioner failed to execute work within the



time-limit stipulated, like in Project No. 1 he was required to complete the work on 29.10.2016 and he had completed on 06.01.2018. Second Project on 29.10.2016 and completed on 08.10.2018. Similarly Project No. 3 he was required to complete as on 10.09.2015 and he had completed on 07.07.2017. Thus, there is delay in completion of the work. It has also been submitted that the petitioner has failed to furnish certain bills.

5. In view of these facts and circumstances, the present petition stands disposed of reserving liberty to the petitioner to raise any pending bills before the concerned authority. The concerned authority is hereby directed to examine and disburse the amount. For belated execution of work, the concerned authority is hereby directed to take a positive decision after due show cause notice and other formalities within a period of six months from the date of receipt of this order. Accordingly, the present petition stands disposed of.

6. Registry is hereby directed to delink C.W.J.C. No. 5480 of 2023 from C.W.J.C. No. 5283 of 2023.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19.05.2023
Transmission Date	N.A.

