

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.60 of 2022

In
Civil Writ Jurisdiction Case No.1956 of 2022

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Parmatma Tiwari, son of Ram Naresh Tiwari, resident of Village- Urda,
Police Station- Chenari, District- Rohtas, Bihar- 821104

... .. Petitioner/s

Versus

1. The State of Bihar through the Rural Works Department, Government of Bihar, Vishweshwaraiya Bhawan, Jawaharlal Nehru Marg, Patna, Bihar- 800 015
2. The Secretary, Rural Works Department, Government of Bihar, Vishweshwaraiya Bhawan, Jawaharlal Nehru Marg, Patna, Bihar- 800 015
3. The Engineer-in- Chief, Rural Works Department, Government of Bihar, Vishweshwaraiya Bhawan, Jawaharlal Nehru Marg, Patna, Bihar- 800 015
4. The Superintendent Engineer, Rural Works Department, Work Division- 2, Rohtas, Sasaram
5. The Executive Engineer, Rural Works Department, Work Division- 2, Rohtas, Sasaram

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the State : Mr. Pratik Kumar Sinha, AC to GA-4
Mr. Samar Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 11-10-2023

The present Civil Review Petition is filed for reviewing the order dated 24.03.2022 passed in C.W.J.C. No. 1956 of 2022.

2. Learned counsel for the petitioner submitted that on page-2, there is an error committed by this Court insofar as filing of petition on 24th January, 2022, which should have been



in the month of January, 2021. Whereas, in the pleading of Civil Review Petition, it is stated that writ petition was filed in the moth of September, 2021. In other words, the petitioner himself is not aware what is the exact date of filing writ petition. Be that as it may, there is no error apparent on the face of the record, so as to invoke Order 47, Rule 1 of C.P.C.

3. It is submitted that cause of action accrued to the petitioner in the year 2016 with reference to certain entries in the Measurement Book. Even, if the cause of action accrued in the year 2016. One cannot ignore the execution of the contract in the year 2010 and its completion in the year 2011. Assuming that cause of action accrued to the petitioner in the year 2016 he should have approached this Court within a reasonable time of three years from the date of cause of action accrued.

4. Further, it is to be noted that writ petition itself is not maintainable as noticed by this Court on page-2 to the extent that scope of interference in the case of public contract, for payment of outstanding dues is restricted and limited. Both on the maintainability of the writ petition as well as delay and laches, the petitioner has not made out a case so as to entertain the C.W.J.C. No. 1956 of 2022. That apart scope of review petition is limited as held by the Apex Court in the case of



S. Murali Sundaram vs. Jothibai Kannan and Ors. reported in
2023 SCC Online SC 185.

5. Accordingly, the present Civil Review petition
stands dismissed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	13.10.2023
Transmission Date	N.A

