

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16882 of 2013

Sanat Kumar Das S/O Late Bhola Nath Das R/O Village - Khagara, P.S. -
Kisanganj, Dist. - Kisanganj, Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary Rural Works Department, Government Of Bihar Vishawashraiya Bhawan, Bailey Ro
3. Engineer In Chief, Rural Works Department, Government Of Bihar, Vishawashraiya Bhawan, Bailey Road,
4. The Deputy Secretary, Rural Works Department, Government Of Bihar Vishawashraiya Bhawan, Bailey Roa
5. The Superintending Engineer, Rural Works Department, Works Circle, Purnea
6. The Executive Engineer, Works Division, Rwd, Araria

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate
Mr. Tulika Singh, Advocate
For the Respondent/s : Mr. Sanjay Prasad, AC to AAG-4.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA
ORAL ORDER

3 06-02-2023

Heard the parties.

Learned counsel submits that the petitioner has
preferred this writ petition with following prayers:-

“(i) To issue an appropriate Writ, order or Direction commanding the respondents to direct only the concern Junior Engineer (Vijay Kumar) to submit the Accounts Register with regard to the purchase and utilization of Bitumen’s for the period from 1986-87 to 1996-1997.

(ii) To issue further appropriate writ, order direction preventing the respondent Executive Engineer from taking any action against the petitioner without any proper enquiry and verification of accounts/registers relating to the supply/purchase accounts and Bitumen.

(iii) To issue further appropriate writ, order or



direction, commanding the respondent Executive Engineer to direct concern, the then Junior Engineer Sri Vijay Kumar or then Assistant Engineer Sri Tara Nand Mehta to submit the required accounts/Register of purchase and consumption of Bitumen.

(iv) To issue further appropriate writ, order or direction commanding the respondents to exonerate the petitioner from the liability of submitting Bitumen accounts for the period from 1986-87 to 1996-1997.

(v) This Hon'ble Court may adjudicate and hold that in view of acceptance and admission made by then Asstt. Engineer Sri Tara Nand Mehta in his own Letter No. 53 dated 08.10.2001 to the effect that the Bitumen Account Register as submitted by the petitioner is lying with him, it was the duty of Executive Engineer to direct him to submit the Bitumen Accounts.

(vi) This Hon'ble Court may further adjudicate and hold that in action and the laches on the part of respondents in maintaining the Bitumen Accounts in the Division and unnecessarily harassing the petitioner by publishing Notice in the News paper is an act of negligence an arbitrary exercise of power/authority by the respondents.

(vii) To award cost of litigation and suitable compensation to the petitioner for the loss and damages caused to him by the respondents.”

The petitioner has already superannuated in 2020. No further action is required to be done. Writ petition by efflux of time has become infructuous and is, accordingly, dismissed.

(Sanjeev Prakash Sharma, J)

Brajesh Kumar/-
Item no.63

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