

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7739 of 2023

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Vimla Devi D/o Ram Swarup Singh Resident of Village- Makhdumabad,
Bahadurpur, P.S. Kaler, District-Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Patna.
2. The Principal Secretary, Panchayat Raj Department, Bihar, Patna.
3. The District Magistrate, Arwal.
4. The Block Development Officer-Cum-Assistant Returning Officer, Arwal.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the Respondent/s	:	Mr. Ajay (GA-5)
		Mr. Pratik Kumar Sinha, AC to GA-5

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 18-12-2023

Heard Mr. Sanjay Kumar, learned counsel
appearing on behalf of the petitioner and Mr. Ajay, learned GA-
5 assisted by Mr. Pratik Kumar Sinha, learned AC to learned
GA-5 for the respondent/s.

2. The petitioner has filed the writ petition for
following relief(s), which *inter alia* is reproduced hereinafter:

“i. For issuance of an appropriate writ/s, order/s, Direction/s to the respondents to make payment of Rs. 8,49,251/- to the petitioner for Yojna completed by her in Court yard of Fatehpur Sanda College by filling soil and doing paver block work as per oral order given by the District Magistrate, Arwal through the Respondent No. 4 vide Memo o. 630 dated 19.10.2020, since amount of Rs. 1,32,308/- has already been paid out of total amount of Rs. 9,81,550.00.

ii. For issuance of an appropriate writ/s, order/s, Direction/s to the respondents to make payment of outstanding balance of Rs. 8,49,251/- alongwith interest as per Measurement Book Prepared by the Engineer for Yojna No. 12/2020-21 which was undertaken by the petitioner being Mukhiya of Rampur Waina Panchayat as per direction given by respondent no. 4 on 19.10.2020 on oral instruction of Respondent No. 3.



iii. To pass such other order/orders as your Lordships may deem fit and proper in the facts and circumstances of this case.”

3. Learned counsel appearing on behalf of the petitioner submitted that work was allotted to the petitioner for the Yojna No. 12/2020-21 on the oral direction of the District Magistrate, Arwal on the request of the Block Development Officer- cum- Assistant Returning Officer, Arwal, for construction of strong room during the period of Bihar Legislative Assembly Election, 2020. The petitioner had completed the work within the stipulated time but still entire payment has not been made to the petitioner for the work done by her satisfactorily. Learned counsel alleges that the Block Development Officer concerned, for his own interest, has not proceeded to make payment nor he has assigned when there is objection that the work was not completed before the election and counting took place.

4. *Per contra*, Mr. Pratik Kumar Sinha, learned counsel appearing on behalf of the respondent/s submitted that petitioner has never represented along with the measurement book and she has not raised any bills for the entire work, which she has completed, therefore, the Block Development Officer has not proceeded to make payment.

5. Having considered the relief sought for in the



present writ petition, as well as, the pleadings made in the writ petition and the documents annexed to it, it appears that the petitioner had completed the work assigned to her by the Block Development Officer, Arwal, before the conclusion of the Bihar Legislative Assembly Election, 2020 by constructing the strong room within the stipulated time granted to her satisfactorily. The petitioner had submitted bills before the Block Development Officer and for the reason best known to him, he has not made payment, in spite of the fact that measurement book has been duly counter signed by the Executive Engineer, District Rural Development Authority, under whose supervision, the work was completed.

6. We are mindful of the legal position that writ court normally does not interfere in contractual matter and/or money claims unless the denial of dues is a mere pretence to deprive the petitioner of his lawful claim. When a citizen is engaged by the Government to carry out one of its activities, it has every duty to reward the person as agreed upon in the contract, even without asking for it.

7. The District Magistrate, Arwal, is directed to call for the records relating to the construction of the strong room, which was successfully completed before the Bihar Legislative



Assembly Election, 2020 and seek personal attendance of the Block Development Officer concerned for providing reason as to why part payment has been made to the petitioner and entire payment has not been made within the stipulated period, which has led the petitioner to file the present writ petition.

8. The District Magistrate, Arwal, is further directed to take action against the Block Development Officer if he finds that the Block Development Officer has deliberately not made payment to the petitioner. Thereafter, must ensure to direct the Block Development Officer to make payment of the entire amount of admitted dues along with the statutory interest to which the petitioner is entitled for, which is required to be paid to the petitioner within a period of two weeks from the date of communication of this order.

9. With above observations and directions, the present writ petition is disposed of.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	21.12.2023
Transmission Date	N/A

