

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23 of 2016

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Satyaveer Kumar son of Sri Sarju Prasad resident of Mohalla - Manpur Pehani, Police Station - Buniadganj, District - Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Secretary, Public Health Engineering Department, Govt. of Bihar at Patna.
3. The Superintending Engineer, Public Health Engineering Circle, Gaya.
4. The Executive Engineer, Public Health Division, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Siyaram Shahi, Advocate
		Mr. Ramashish, Advocate
For the Respondent/s	:	Mr. U.P. Singh, AC to SC 4

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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 : 09-05-2023

Heard learned counsels for the respective parties.

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

“(i) For issuance of an appropriate Writ commanding the respondents to provide the 72 spots where the water pump is to be installed in terms of the agreement No.25 F2 of 09-10 dated 18.3.2010 contained in Annexure-2.

(ii) For issuance of an appropriate Writ commanding the respondents to pay the amount involved with regard to 31 Hand Pump with interest which have already installed within the time framed and respective bills have already been submitted after the verification by the concerned Engineers.



(iii) Any other relief or reliefs for which the petitioner is entitled.”

3. Respondents have filed their counter affidavit in which they have produced Annexure - B series and Annexure - C insofar as taking action relating to forfeiting of E.M.D. or security deposit. The petitioner has filed I.A. No. 6780 of 2017 insofar as challenging Annexure - B series and Annexure - C.

4. Perusal of the records, it is evident that agreement was executed on 18.03.2010 *vide* Annexure - 2. The petitioner was required to complete and execute the work within a period of six months. On the other hand, he has not completed it even in the year 2016. He is seeking a direction to the respondents to provide 72 spots where the Water Pumps are to be installed in terms of the agreement dated 18.03.2010.

5. The present writ petition *i.e.* CWJC No. 23 of 2016 is filed in the year 2016 after lapse of six years from the date of cause of action. The petitioner has not assailed consequential orders of forfeiting security deposit on 11.03.2011 and 16.08.2011. The reasons assigned is that those two documents have not been made available to the petitioner and for the first time it was made known to the petitioner as and when counter affidavit was filed in the year 2016, therefore, he has filed I.A. No. 6780 of 2017. On the other hand, respondents were permitted to file supplementary



counter affidavit relating to communication of Annexure - B series and Annexure - C to the counter affidavit. The same has been placed on record on 16.08.2011 (Annexure - H). The communication was made to the petitioner through registered post. Therefore, we have to draw inference that the petitioner had knowledge of forfeiting of security deposit in terms of Annexure - B series and Annexure - C in the year 2011. Therefore, the petitioner cannot contend that it has not been communicated to him and it is without notice. On the other hand, petitioner had suppressed material information like Annexure – B series and Annexure – C as is evident from Annexure – H dated 16.08.2011. Even on this count petitioner is not entitle to relief sought in this petition. On the aforesaid examination of records, it is evident that the present petition is hopelessly barred by delay and laches insofar as grievance of the petitioner is concerned.

6. Accordingly, writ petition stands dismissed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.05.2023
Transmission Date	NA

