

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1659 of 2024

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Rainbowhills Ircon Pvt Ltd Through its Director Shahabul Huda, aged about 37 years (Male) S/o Zeaul Huda, R/o Choutan Molvi Lane, Karimganj, P.S-Town, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary Department of Public Health Engineering Department, Patna
3. The Engineer in Chief Cum Special Secretary, Public Health Engineering Department, Patna.
4. The Chief Engineer, Public Health Engineering Department. Purnea Region, Purnea.
5. The Superintending Engineer Public Health Engineering Department, Saharsa.
6. Executive Engineer Public Health Engineering Department, Madhepura Division, Madhepura.
7. Assistant Engineer, Public Health Engineering Division, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate
For the Respondent/s : Mr.Addl. Advocate General (13)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 31-01-2024

The petitioner is aggrieved with the order passed on 09.01.2021. The petitioner has not chosen to file a writ petition against it at the appropriate time. Three years have



elapsed and the delay restricts us from invoking the extraordinary jurisdiction which is also discretionary in nature.

2. Learned Government Advocate also points out that the work was not completed and hence, the order was issued. The work was a pet scheme of the Government called the 'Nal Jal Yojna' to be completed within time.

3. Learned counsel for the petitioner, however, asserts that the work is completed within the stipulated time itself. These are all matters which may require evidence and it is not proper for us to entertain a writ petition under Article 226 to resolve such disputes.

4. We see that a representation has been filed at Annexure P/5 which the Respondent No. 6 may consider and pass a speaking order in accordance with law; to which direction the relief is confined. The petitioner shall be afforded a personal hearing and the documents to substantiate the completion of the work shall also be produced by the petitioner. The petitioner shall be issued with a notice for personal hearing within one month, and two months from the date of hearing, the matter shall be



concluded.

5. The writ petition is closed with the above reservation; without any observation on the merits of the matter.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Anushka/-

AFR/NAFR	
CAV DATE	
Uploading Date	02.02.2024
Transmission Date	

