

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3901 of 2024

Bindeshwar Yadav Construction Pvt. Ltd. having its registered office at Hariraha Rustampur, P.S. Laukahi, District - Madhubani through its authorized representative namely Rohit Kumar Yadav, male, aged about 52 years, son of Shri Bindeshwar Prasad Yadav, resident of Hariraha Rustampur, P.S. Laukahi, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Rural Works, Government of Bihar, Patna.
2. The Secretary, Department of Rural Works, Government of Bihar, Patna.
3. The Nodal Officer, MR-3054, Rural Works Department, Bihar, Patna.
4. The Executive Engineer, Department of Rural Works, Works Division Jhanjharpur, Madhubani.
5. The Assistant Engineer, Department of Rural Works, Works Division, Jhanjharpur, Madhubani.
6. The Junior Engineer, Department of Rural Works, Works Division Jhanjharpur, Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Gautam Kumar Kejriwal, Advocate. Mr. Alok Kr. Jha, Advocate. Mr. Mukund Kr. Jha, Advocate. Mr. Akash Kr., Advocate. Mr. Aditya Raman, Advocate.
For the Respondent/s	:	Mr. Addl. Advocate General 4.

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

4 27-09-2024 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the following reliefs:-

“(i) For issuance of a writ or order or direction in the nature of mandamus directing the respondents to ensure release of payment of all the pending bills of the petitioner against



maintenance work carried out under agreement number 24 MBD/2017-2018 dated 23.11.2017 and agreement number 46 SBD/2019-2020 dated 24.12.2019 which are lying withheld and pending in the respondent Rural Works Department, Government of Bihar for several months for no reason resulting in financial hardships of the petitioner;

(ii) For further issuance of a writ or order or direction upon the respondents to compensate the petitioner by way of payment of interest against all such pending bills against maintenance carried out under the aforesaid two agreements for illegal and arbitrary retention of the funds to which the petitioner is legitimately entitled as the same is admitted and there is no dispute as regards the petitioner's entitlement;

(iii) For further holding and declaration that the withholding of the petitioner's legitimate dues in spite of admission and acceptance of the petitioner's entitlement is an act wholly arbitrary, unreasonable, discriminatory and therefore violative of the Fundamental rights guaranteed to the petitioner under Article 14 and 19(1) (g) of the Constitution of India."

3. In the Paragraph Nos. 10 and 11 of the counter affidavit filed by the Respondent Nos. 2 to 6, it is stated as under:-

“10. *That pursuant to the aforesaid letter the present respondent department has made available the fund on 04.06.2024 for making payment of the maintenance work executed under different division including the work of construction of road and CD work with maintenance under MR (3054) NH 57 Araria Samgrarn Tulapatganj to Nawani SH-52 executed by the petitioner.*

11. *That in the facts and circumstances stated hereinabove it is very humbly*



submitted that the Executive Engineer, Rural Works Department, Work Division-Jhanjharpur will make payment to the petitioner at the earliest.”

4. Having regard to the above, the respondents are directed to make necessary the payments to the petitioner as expeditiously as possible preferably within a period of six weeks from the date of the receipt of the copy of this order.

5. It is made clear that in case, the amounts are not paid within the stipulated time, the petitioner would be entitled to payment of simple interest at the rate of 8% per annum from the due date of the payment till the date of the actual payment.

6. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy, J)

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