

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18053 of 2023

Ashok Kumar Choudhary S/o Late Mahavir Prasad Choudhary, resident of Mahaveer Nilay, Aghoriya Bazar, Satpura Road, P.S.- Kazi Mohammadpur, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Bihar, Patna.
2. The Engineer-in-Chief-cum-Additional Commissioner- cum-Special Secretary, Building Construction Department, Bihar, Patna.
3. The Chief Engineer (North), Building Construction Department, Bihar, Patna.
4. The Superintending Engineer, Building Circle, Muzaffarpur.
5. The Executive Engineer, Building Division, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar, Adv.
For the Respondent/s : Mr. P.K. Shahi (Ag)

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

3 04-10-2024 Heard the learned counsel for the parties.

2. This writ petition has been filed for the following

relief(s):-

“(i) To issue an appropriate order/s, direction/s including a writ preferably in nature of Mandamus commanding the respondents to make the payment of Rs. 8,10,00,733/- (Rs. 6,09,73,706/- + Rs. 2,00,27,027/-) for construction of 200 bedded Girls Hostel Block A, B and C in women Polytechnic, Bela including electricity Bill.

(ii) To direct the respondents to make the payment of penal interest to the petitioner with regard to above mentioned admitted dues on account of delay and laches on the part of respondents.

(iii) Any other relief/s to which the petitioner is entitled in the facts and circumstances of the case.”



4. Learned counsel appearing on behalf of the petitioner has stated that after completion of the works entrusted to the petitioner, the petitioner has submitted the bills but till date the same has not been paid. Learned counsel has stated that the petitioner has given representation dated 13.09.2023 (Annexure-P/5) and a direction may be given to the authority concerned to consider the same and make the necessary payments in accordance with law.

5. Learned counsel appearing on behalf of the respondents has stated that he has no objection if a direction is given to the concerned authority to consider the representation made by the petitioner strictly in accordance with law.

6. Having regard to the above made submissions, the present CWJC is disposed of directing the Respondent No. 5 herein to consider the representations made by the petitioner as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order. In case the claim of the petitioner is found to be genuine, the Respondent No. 5 shall take necessary steps for making the payment of the amount due to the petitioner. In case the authority concerned rejects the claim of the petitioner, he shall pass a reasoned order, giving reasons for the same.



7. It is needless to mention that before passing any orders, the petitioner shall be given an opportunity of hearing. Any order passed shall be communicated to the petitioner.

8. With the above directions, the present CWJC is disposed of.

(A. Abhishek Reddy, J)

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