

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10479 of 2018

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M/s Nandita Construction Through Its Proprietor Raj Kumar Singh Son of Harendra Singh, Resident of Village-Ratanua, P.S.-Aurangabad, District-Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Planning Officer, Aurangabad.
3. The Superintending Engineer, Minor Irrigation Division, Aurangabad.
4. The Executive Engineer, Minor Irrigation Division, Aurangabad.
5. The District Magistrate-cum-Cillector, Aurangabad.
6. The Deputy Development Commissioner, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Madhukar Mishra
For the Respondent/s : Mr.Ajit Kumar- Ga9

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 08-07-2025

1. This is the second round of litigation preferred by the petitioner. Initially, the petitioner filed C.W.J.C. No. 355 of 2015, wherein this Court passed a detailed order on 13.07.2015, which reads as follows:-

Heard learned counsel for the petitioner and the State.

Admittedly, the petitioner executed the work as specified in the agreement reached by and between



them. The grievance of the petitioner is that under the instruction of the District Urban Development Authority, Aurangabad and the district administration he executed work in excess. In order to buttress the said contention, he has drawn attention of the Court to Annexure-1 which is a communication issued by the Executive Engineer, District Urban Development Authority, Aurangabad and addressed to the District Planning Officer.

In the counter affidavit it has been stated that the work which was assigned to the petitioner under the agreement on measurement was found to have been executed as per the specification and payment has been made.

The grievance of the petitioner is for payment of additional amount for additional work he executed beyond the agreement under the instruction of the respondents.

After making some submissions counsel for the petitioner seeks permission to withdraw this application in order to ventilate his grievance



before the District Magistrate. If any such grievance is raised, I am sure the respondent concerned shall examine the claim of the petitioner and take appropriate decision in accordance with law as quickly as possible.

The application is dismissed as withdrawn with the said liberty.

2. The present Writ petition has been filed to quash the order dated 06.01.2017 in Miscellaneous Case No. 141 of 2016, passed by the District Magistrate, Aurangabad and to seek a direction for payment of Rs. 3,00,000/- for the excess work done for the construction of retaining wall- like three feet extra in height and 237 feet in length, whereas the estimated work was for 6 feet height wall with a length of 600 feet extra construction of Chahaka of Dhadhpa Ahar in Deo Block, Aurangabad.

3. Initially, the petitioner was awarded the contract to undertake work estimated at cost of Rs. 35,31,760/- wherein, he was the lowest bidder and agreed to complete the work for Rs. 30,020,03/- only for which an agreement was entered into between



the petitioner and the respondent No. 4. Accordingly, the petitioner completed the assigned work and received payment.

4. It is further contended by the Learned counsel for the petitioner that the petitioner has done extra work costing Rs. 3,00,000/- for which no payment was not done.

5. It is the specific contention of the Learned counsel for petitioner that he sought for withdrawal of the initial Writ petition in order to approach the District Magistrate for redressal of his grievances. Accordingly, this Court granted liberty to avail the said alternative remedy.

6. Later, the petitioner submitted an application before the District Magistrate who rejected his claim, stating that no work order had been issued for the additional work allegedly executed by the petitioner.

7. Heard the Learned counsel for the parties and perused the records.

8. Admittedly, there was no work order was issued for execution of such extra work. The District



Magistrate has rightly held that payment cannot be made for the extra work undertaken in the absence of a formal work order. This Court also finds no error or irregularity in the decision of the District Magistrate, so as to interfere with the same. In the absence of work order, the petitioner ought not to have done the work, and as a matter of fact, he cannot claim for the amount, as there is no work order.

9. Therefore, the Writ petition is dismissed as it is devoid of merits.

(G. Anupama Chakravarthy, J)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23.07.2025
Transmission Date	

