

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5547 of 2025

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Kundan Kumar Singh S/o Shri Awadhesh Narayan Singh, R/o Village - Kahore, P.S.- Warishnagar, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Joint Secretary, Rural Works Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Darbhanga Division, District - Darbhanga.
5. The District Magistrate Samastipur, District- Samastipur.
6. The Deputy Development Commissioner, Samastipur, District- Samastipur.
7. The Sub Divisional Officer, Samastipur, District- Samastipur.
8. The Superintendent Engineer, Rural Works Department, Darbhanga Division, District - Darbhanga.
9. The Executive Engineer, Rural Works Department Division, Samastipur, District - Samastipur.
10. The Block Development Officer, Warishnagar, Block- Warishnagar, District - Samastipur.
11. The Junior Engineer, Rural Works Department, Block- Warishnagar, District - Samastipur.
12. Mr. Anupam Kumar Singh, S/o Late Ram Binod Singh, R/o Village- Sambhupatti, P.O.- Chandopati, P.S.- Muffassil Samastipur, District- Samastipur, Bihar, Pin Code- 838129.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate
For the Respondent/s : Mr. P.K. Shahi, A.G.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

3 25-11-2025 Following is the relief sought for in the present writ application:-

“ (i) For issuance of a writ in the nature of Mandamus or any other appropriate writ/order/direction to the Respondent No – 1 to 4 to set up enquiry against the work of P.C.C. Road constructed under Chief Minister Rural Road Maintenance Scheme situated at East of Purnahi Chauk and constructed from the house of Ramvilash Sada to Kashore Chauk Mahadalit Tola, under



Lakhanpatti Panchayat, Block – Warishnagar, District – Samastipur, Bihar vide Scheme Agreement No. - MBD/M/R/2023-24, Total length of Road is 1.600 K.M. in which third class materials has been used by the contractor (Respondent No. - 12) in connivance with the officials/respondents and take appropriate legal action against the contractor as well as all the officials/respondents who are found to be involved in such misappropriation of public money.

(ii) Further, for issuance of a writ in the nature of Mandamus or any other appropriate writ/order/direction to the Respondents to take appropriate legal action against the contractor and put him/his agency under Black list category and cancelled his/its licence.

(iii) Further, for issuance of a writ in the nature of Mandamus or any other appropriate writ/order/direction to recover the embezzled Government/public money from the contractor agency.”

2. A counter-affidavit has been filed on behalf of Respondent Nos. 1 to 5, 8 & 9. Following statements have been made in Para-6 to 11:-

“6. That the brief facts of the case is that vide Notice Inviting Tender for construction of P.C.C Road from the house of Ramvilash Sada to Kashore Chauk Mahadalit Tola, under Lakhanpatti Panchayat, Block Warishnagar, District Samastipur the respondent no. 12 and other bidders participated in the said tender and after due process the respondent no. 12 had been allotted the construction



of the said road vide Agreement No. 26(MBD)/2023-24 dated 23.01.2024 under new maintenance policy 2018.

7. That the grievance of the petitioner is that the respondent no. 12 has used third/grade rated materials in construction of the said P.C.C Road.

8. That considering the grievance of the petitioner the Assistant Engineer, Rural Works Department, Works Sub-Division Warisnagar collected the materials from the work site and send the same vide his letter dated 18.07.2024 and letter dated 06.08.2024 to the Executive Engineer, Rural Works Department, Regional Laboratory, Darbhanga with a request to test the quality of the materials used in construction of the road in the laboratory particularly in view of the allegation made by the petitioner in the writ petition regarding use of third grade material in construction of the road.

9. That it is further submitted that the Executive Engineer, Rural Works Department, Regional Laboratory, Darbhanga conducted the test of materials and submitted his reported vide his letter no. 573 dated 02.08.2024 with following findings:-

(a) Concrete Cube test result is satisfactory.

(b) Result of physical test for gradation of coatse aggregates is satisfactory.

(c) Mix design of M.30 grade concrete (with super plasticizer) – 43 Grade dated 03.04.2024 and 02.05.2024 is satisfactory.

10. That it is further submitted that the Executive Engineer, Rural Works Department, Regional Laboratory, Darbhanga conducted the test of Bitumen Percentage and submitted his reported



vide his letter no. 663 dated 16.08.2024 with following findings:-

(a) Bitumen Percentage test is satisfactory.

11. That it would also be relevant to mention here that the Chief Engineer- 6, Rural Works Department, and the Principal Quality Monitor (PQM) Amrendra Bhushan Singh also made the inspection of site and submitted their report vide letter dated 10.12.2024 and letter dated 03.03.2025 respectively with remarks "Satisfactory".

3. Considering the statements mentioned above and materials on record, particularly the concurrent findings of multiple technical authorities, we find no reason to pass any further order in the present application.

4. Accordingly, the present writ application stands disposed of.

5. Pending application(s), if any, shall also stand disposed of.

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

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