

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6995 of 2025

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Chhote Lal Kumar, Son of Jagdish Das, Resident of Bara Bariyarpur, P.S.-
Motihari, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Building Construction Department, Government of Bihar, Patna.
2. The Secretary, Building Construction Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Building Construction Department, Government of Bihar, Patna.
4. The District Magistrate, East Champaran, Motihari.
5. The Executive Engineer, Building Construction Department, Building Division, Motihari, East Champaran.
6. The Sub-divisional Officer, Motihari, East Champaran.
7. The Treasury Officer, East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kanishk Kaustubh, Advocate.
For the Respondent/s : Mr. Government Advocate (5)

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

6 19-09-2025 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the
following relief(s):-

*“For issuance of direction to the
Executive Engineer, Building Construction
Department, Building Division, Motihari,
East Champaran to ensure payment of
admitted dues of the petitioner of Rs.
2,03,432/- and Rs. 2,10,105/- respectively
with respect to work already executed in
terms of Agreement No. 163-F2/2022-23
and Agreement No. 162-F2/2022-23*



respectively and the Executive Engineer, Building Construction Department, Building Division, Motihari already granted permission for withdrawal of aforementioned amount.”

3. Learned counsel appearing on behalf of the petitioner submits that pursuant to the agreement entered between the petitioner and the respondent-authority (Agreement No. 163-F2/2022-23 and Agreement No. 162-F2/2022-23 dated 24.02.2023) (Anexure P/1 and P/3), the petitioner has completed the work and, thereafter, submitted the bills. The respondents duly taking into consideration the bills submitted by the petitioner have written letters dated 27.06.2023 to the concerned authority for sanctioning the necessary funds (Annexure P/2 and P/4). However, till date the payments have not been made. The petitioner left with no other alternative remedy has filed the present writ petition.

4. Learned counsel submits that though the works were completed in the year 2023-24 till date the payments are not being made, learned counsel, therefore, prays this Hon'ble Court to allow the present writ petition and consequently direct the respondent-authority to make necessary payments for the works already completed.

5. In the counter affidavit filed by the respondents, the fact that the petitioner has completed the work has not been



denied. However, it is stated that though the Executive Engineer, Building Construction Department, Building Division, Motihari had requested the District and Sessions Judge, East Champaran, Motihari to grant the necessary approvals for the work which was already completed, till date the necessary approval has not being granted by the District and Sessions Judge, East Champaran, Motihari. It is further stated that as and when the approval is received from the District and Sessions Judge, East Champaran, Motihari, the authorities are willing to clear the dues of the petitioner.

6. In order to resolve the issue, it is necessary to extract the relevant portions of the counter affidavit filed by the respondent-authorities which reads as under:-

“9. That in reply to Paragraph Nos. 11 to 13, it is submitted that though the Executive Engineer recommended for payment of said amount but the said was not paid on account of instruction given to Treasury Officer by Letter No. 5758 dated 01.03.2023 and Letter No. 53 dated 23.03.2023 of office of the District and Sessions Judge, East Champaran, Motihari and hence the payment was not made to the petitioner in Financial Year 2022-23 itself.

10. That it is further stated that accordingly vide Letter No. 1144 dated 26.09.2023, Letter No. 166 dated 02.02.2024 and Letter No. 180 dated 06.02.2024 the Hon'ble District and Sessions Judge, East Champaran, Motihari



was requested to approve the supplementary priority list for the work done at Judicial officers and Judicial Quarters in Financial Year 2022-23 and accordingly to issue direction for payment.

11. That it is further submitted that accordingly on some of the works approval was granted and it was accordingly paid to concerned contractors but due to want of approval of payment to the petitioner the payment could not have been made in Financial Year 2023-24 That again Vide letter No. 175 dated 05.02.2024 and Letter No. 474 dated 22.04.2024 learned District and Sessions Judge has been requested to approve the priority list of work's in which payment could not have been made in previous Financial Year. That once the same gets approved by the Hon'ble District and Sessions Judge, the payment will accordingly be made to the petitioner without any delay."

7. Having regard to the above, the present writ petition is disposed of directing the District and Sessions Judge, East Champaran, Motihari to consider the letters issued by the Executive Engineer, Building Contraction Department, Building Division, Motihari and grant necessary approvals so as to enable the authorities to make the necessary payments to the petitioner. The District and Sessions Judge, East Champaran, Motihari shall grant the necessary approval as expeditiously as possible preferably within a period of four weeks from the date of the receipt of the copy of this order. The authority immediately after



receipt of the approval from the District and Sessions Judge, East Champaran, Motihari will pay the due amounts to the petitioner for the work already completed.

8. Registry is directed to forward the copy of this order to the District and Sessions Judge, East Champaran, Motihari.

9. With the above directions, the present writ petition stands allowed to the extent indicated.

(A. Abhishek Reddy, J)

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