

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVISION No.75 of 2019

1. M/s Nanu Shome Prop. Shri Nanu Shome, son of late Amar Chandra Shome, resident of Mahavir Marg, Kishanganj, Bihar, at present office at Ojha Mention, 1st Floor, Room No.05 (Opposite Bata Shoe Company), HC Road, Silliguri, Asam **(Dead)**
- 1.1. Sharbani Shome, wife of Late M/s Nanu Shome Prop. Shri Nanu Shome, resident of Village/ Mohalla- 68/1 Ramkrishna Road, Swami Sarupa Nanda Sarani Ashrampara, Ward No. 14, P.O.- Silliguri (H.O.), P.S.- Silliguri, District- Darjeeling (W.B.), Pin- 734001.
- 1.2. Sandipa Shome, wife of Shri Rakesh Harijan, and daughter of Late M/s Nanu Shome Prop. Shri Nanu Shome, resident of Village /Mohalla- 132, Ram Krishna Road Ashrampara, Silliguri (M. Corp.), P.O.- Silliguri (H.O.), P.S.- Silliguri, District- Darjeeling (W.B.), Pin- 734001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Road Construction Department, Vishweshwarraiya Bhawan, Bailey Road, Patna,
2. The Engineer-in-Chief, Road Construction Department, Vishweshwarraiya Bhawan, Bailey Road, Patna.
3. Commissioner-cum-Secretary, Road Construction Department, Bailey Road, Patna,
4. The Chief Engineer (N. H. Wing), Road Construction Department, Vishweshwarraiya Bhawan, Bailey Road,
5. The Superintending Engineer, Road Construction Department. N.H. Circle, Purnea
6. The Executive Engineer, Road Construction Department, N.H. Circle, Purnea

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh, Advocate
For the Respondent/s : Mr. Mahendra Prasad Verma, AC to SC 20

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

41 05-08-2025

Interlocutory Application No.03 of 2025

This interlocutory application has been filed under
Section 151 of the Code of Civil Procedure for substituting the



name of the heirs and legal representatives of sole deceased petitioner, Shri Nanu Shome, who died on 03.02.2025, leaving behind the heirs and legal representatives whose details are mentioned in para 2 of the interlocutory application.

2. A duly executed *vakalatnama* on behalf of the heirs and legal representatives of the sole deceased petitioner has also been filed along with the interlocutory application.

3. Having regard to the facts and circumstances of the case and the averments made in the interlocutory application, same is allowed.

4. Office is directed to delete the name of the sole deceased petitioner and substitute the name of his heirs in his place.

5. Interlocutory Application No.03 of 2025 stands allowed.

Civil Revision No.75 of 2019

6. Heard Mr. Ganesh Prasad Singh, learned counsel for the petitioner and Mr. Mahendra Prasad Verma, learned AC to SC 20.

7. Reference may be made to the order dated 23.01.2024 passed in this case by a co-ordinate Bench of this Court by which the opposite parties-Department concerned was



directed to obtain the signature of the petitioner on MB Book and as also for making payment of entire amount to the petitioner within a period of one month upon furnishing work completion certificate. For ready reference, the order dated 23.01.2024 in reproduced here-in-below:

“By drawing my attention towards M.B book No.1320, learned counsel for the petitioner has submitted that the entire work was completed and xerox copy of measurement book shows that the petitioner has completed the work and nothing was due against him. From bare perusal of M.B. book No. 1320, agreement No. 45F2 dated 25-01-2005 at page No. 110, it appears that the work worth Rs. 15,84,658/- was completed by the petitioner and similarly, M.B. book No. 1327, agreement No. 2F2 dated 28-03-2005 at page No. 158 shows that the work worth Rs. 32,06,908/- was completed by the petitioner. The M.B. book bears the signature of Junior Engineer.

2. Learned counsel for the petitioner submits that without assigning any reason, his payment was not made by the department and from perusal of the impugned order of the tribunal, it appears that merely an inference has been drawn by the Tribunal suspecting the genuineness of the M.B. book without any evidence.

3. Learned counsel for the respondent-State submits that if the petitioner submits the work completion certificate and he puts his signature on the M.B. book which are the legally requisite formalities the entire amount shall be paid to him in accordance with law.

4. Learned counsel for the petitioner has submitted that the petitioner is ready to furnish the work completion report and also to make his signature on the M.B. book.

5. The concerned department is directed not to make hindrance in obtaining the signature of the



petitioner on the M.B. book and on furnishing work completion certificate, the entire amount must be paid to the petitioner within a period of one month after fulfillment of these two formalities.

List the matter after eight weeks.”

8. Pursuant to order dated 14.07.2025, a show cause has been filed by the Secretary, Road Construction Department, Government of Bihar, Patna, on 22.07.2025.

9. On perusal of the show cause, it appears that the direction(s) contained in the orders date 23.01.2024, 12.12.2024, 17.04.2025 and 14.07.2025 have been complied with and necessary funds i.e., Rs.57,91,566/- (fifty seven lakhs ninety one thousand five hundred sixty six) has been allotted for payment of the entire amount to the petitioner/legal heirs vide Letter No.56 (S) dated 21.07.2025 to the Executive Engineer, NH Division, Purnea, who will make payment of the same to the legal heirs of the sole deceased petitioner.

10. It would be relevant to reproduce the statements made in paragraph nos. 8, 9, 10, and 11 of the show cause filed on behalf of the opposite party no.1, which is as follows:

“8. That it further transpires from the file that Hon’ble Court vide order dated 23.01.2024 has directed for payment of entire bill entered in the measurement book by the Junior Engineer, arising out of the two agreement. It also transpires from the file that opinion of Law Department was never



sought for filing any appeal against the order dated 23.01.2024 passed in the present proceeding.

9. *That it is humbly submitted that the since disputed questions of facts has cropped up in the present matter; and more than 18 months have passed since passing of the order dated 23.01.2024, opinion of law Department has been obtained. Law Department has opined that filing of appeal against the order dated 23.01.2024 is not feasible.*
10. *That accordingly, payment of entire amount, as entered by the Junior Engineer in the Measurement, has been ordered.*
11. *That the necessary fund (Rs.57,91,566/-) for payment to the petitioner/legal heirs has been issued vide letter no.56 (S) dated 21.07.2025, to the Executive Engineer, NH Division, Purnea, who will make payment to the petitioner/legal heir.”*

11. Mr. Ganesh Prasad Singh, learned counsel for the petitioner(s) submits that allotment has been made vide letter no. 56(S) dated 21.07.2025, by the opposite parties in favour of the petitioner, who is now deceased. The payment which was to be made to the petitioner may be credited in to the bank accounts of the heirs of the sole deceased petitioner. The details of the account of the heirs of the sole deceased petitioner is mentioned in para 6 of the Interlocutory Application No.03 of 2025, which is as follows:

“Name of the Account Holder: Sharbani Shome

Branch: Silliguri, Mahananda Para Branch, Silliguri

Bank Name: Indian Bank



A/c No.: 50171560714

IFSC Code: IDIB000S694

MICR: 734019011”

12. Since the original petitioner is no more and his legal representatives have been brought on record, the Executive Engineer, NH Division, Purnea, is directed to make payment of the entire due amount i.e., Rs.47,91,566/- of the sole deceased petitioner in favour of the aforesaid account holder, namely, Sharbani Shome, who is the wife of the sole deceased petitioner, within a period of two weeks from the date of receipt/production of a copy of this order after obtaining “No Objection” from the daughter of the deceased petitioner, namely, Sandipa Shome.

13. Since the grievance of the petitioner(s) has been redressed, the show cause filed on behalf of the opposite party no.1 i.e., the Secretary, Road Construction Department, Government of Bihar, Patna, is accepted.

14. This civil revision application is, accordingly, disposed of.

(Khatim Reza, J)

J. Alam/-

U			
---	--	--	--

