

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15249 of 2017

=====

M/s Kumar Construction Son of Upendra Singh, aged about 43 years,
Resident of Village- Matihani, P.S.- Matihani, District- Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Engineer-in-Chief-cum-Additional Commissioner, Rural Works Department, Government of Bihar, Pat
3. The Chief Engineer, 3, Patna, Rural Works Department.
4. The Superintending Engineer, Rural Works Department, Work Circle, Samastipur.
5. The Executive Engineer, Rural Works Department, Works Division, Ballia, District- Begusarai.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Singh Mr. Prabhat Kumar Mr. Ashuthosh Kumar Singh
For the Respondent/s	:	Mr. Kameshwar Prasad, GP-10 Mr. Deepanjali Gupta, AC to GP-10

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 11 17-11-2025 1. The petitioner was awarded a contract under Pradhan Mantri Gram Sadak Yojna for construction of road between TOI to Sonbarsa road within Samho Akaha, Kurha CD Block, Begusarai, by the Public Works Department, Works Division, Begusarai, having estimated length of 8.510 KM and for a total cost of Rs. 533.245 Lakhs.
2. Learned counsel for the petitioner submits that insofar as



the construction of road is concerned, the petitioner has received the amount towards the work done except the sum of Rs. 16,91,009/-. Apart from the aforesaid, the petitioner also performed repair works of the road which got damaged after flood for which a sum of Rs. 79,30,921/- was raised as per the Measurement Book, but the amount towards construction of the road to the tune of Rs. 16,91,009/- and repair work to the tune of Rs. 79,30,921/- have not been paid to the petitioner.

3. On the other hand, learned counsel for the State submits that supplementary counter affidavit has been filed, stating therein in paragraph-10, that a sum of Rs. 50,82,690/- was also paid to the petitioner which included the amount of Rs. 16,91,009/- towards the construction of the road by the petitioner.
4. Insofar as claim of the petitioner for payment of Rs. 79,30,921/- for carrying out the repair work in concerned, the same is not admitted inasmuch as the Measurement Book produced by the petitioner has not been issued by the competent authority i.e. Executive Engineer, Rural Works Department, Works Division, Ballia, Begusarai. Measurement Book is a forged document showing the



execution of repair work signed by the Junior Engineer and Assistant Engineer in order to give undue favour to the petitioner for which explanation has been demanded from both the aforesaid officials.

5. Furthermore, the Executive Engineer, RWD, Works Division, Bailia, vide his letter no. 862, dated 18.09.2017, has duly informed the petitioner that his claim cannot be accepted with regard to payment of repair work.
6. In reply, learned counsel for the petitioner submits that insofar as the stand of the State that a sum of Rs. 16,91,009/- has been paid towards the construction of the road in concerned, the date of payment and mode of payment have not been mentioned in the supplementary counter affidavit, for which the petitioner reserves right to verify it from his client.
7. Having heard learned counsel for the parties and taking into consideration the fact that the claimed amount for repair work of road is disputed by the respondent-authorities (in their counter affidavit), accordingly, no positive direction can be issued by this Court considering the disputed question of fact involved in the present writ application.



8. However, this writ application is disposed with liberty to the petitioner to avail remedy before the appropriate forum for redressal of his grievance with regard to his claim towards repair work.
9. With the aforesaid observations and directions, this writ application is disposed.

(Anil Kumar Sinha, J)

ashwani/-

U			
---	--	--	--

