

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12705 of 2017

Vinay Kumar Jha @ Binay Kumar Jha Son of Sri Taranand Jha resident of village - Sukhanagar Brahman Tola, Ward No. 13, P.S. - Pratapganj, District - Supaul, at present c/o Sadashiv Khan, Head Gewar Road, Ward No. 16, Gangjala, Saharsa, P.S. and District - Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Old Secretariat, Bihar, Patna.
2. The Principal Secretary, Planning and Development Department, Local Area Engineering Organisation, Govt. of Bihar, Patna.
3. The Commissioner, Koshi Division, Saharsa.
4. The District Magistrate, Saharsa.
5. The Executive Engineer, Planning and Engineering Department, Local Area Engineering Organisation, Work Division, Saharsa.
6. The Sub-Divisional Officer, Planning and Development Department, Local Area Engineering Organisation, Saharsa.
7. The Assistant Sub-Divisional Officer, Planning and Development Department, Local Area Engineering Organisation, Saharsa.
8. The Junior Engineer, Planning and Development Department, Local Area Engineering Organisation, Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate
For the Respondent/s : Mr. Binod Kumar Sinha, AC to GP-7

**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY**

ORAL ORDER

2 12-05-2025 The petitioner has filed the Writ application
for the following reliefs:

“(i). For issuance of an appropriate writ in the nature of mandamus commanding the respondents to pay the dues of the petitioner amounting to Rs. 5,57,890/- (Five Lakh



Fifty Seven Thousand Eight Hundred and Ninety Rupees only) as he supplied the materials like chips (Gitti), sand, bricks, cement and soil to the respondent having cost of Rs. 10,87,896/- but only part payment has been made.

(ii). For payment of interest due to the delay caused by the respondent in payment.

(iii). For any other relief(s) to which the petitioner may be found entitled in the facts and circumstances of the case.”

2. The brief facts of the case is that at the instance of the 5th respondent, the petitioner supplied construction material for the construction of P.C.C. Road, for Saharsa Municipality under the Chief Minister Area Development Scheme. He supplied 3928 Cft. of Chips (gitti) for a cost of Rs. 2,75,158.00/-, 2400 Cft. of sand for a cost of Rs. 1,15,325/-, 32000 bricks for a cost of Rs. 2,36,800/-, 827 bags of cement for a cost of 2,99,815/- and 420 trailers of soil for a cost of Rs. 1,60,800/- and the total amount was Rs. 10,87,896/-.



3. It is the specific contention of the petitioner that he supplied the aforesaid material on different occasions and the bills/challans were issued to him by M/s Laminath Bricks, Rahumani, Saharsa on different dates. Accordingly, he also supplied the other materials such as sand from Jahidji Transport and Commission Agent and Cement from Jay Shree Iron and Stores, Saharsa. Further, on 06.04.2016, the respondents issued a cheque bearing no. 274532 for Rs. 1, 50,000/- (Rupees One lakh fifty thousand only) and another cheque bearing no. 852016399 for Rs. 2,80,000/- (Rupees two lakh and eighty thousand only) dated 03.04.2017, which were credited to the account of the petitioner. In spite of receiving the said amount a balance amount of Rs. 5,57,890/- (Rupees five lakh fifty seven thousand eight hundred ninety only) remained unpaid by the respondents, for which he made a representation to the 5th respondent. In spite of it, the respondents stood tight over the matter and did not redress the grievances of the petitioner for which he was



constrained to file Writ application.

4. A detailed counter affidavit was filed by the 5th respondent which disclose that the writ petition is filed with false and baseless allegations against the respondents and the said writ petition is not tenable in the eye of law. The contents of the writ petition disclosed that the road construction was a project undertaken by the Saharsa Municipality Area and it was a government work carried out and completed by the government agency and as per the Departmental Rules, it was executed by the Assistant Engineer, Sri Kamal Kumar Vasudeo and the Junior Engineer, Sri Nilesh Kumar of the LAEO, Saharsa. The counter-affidavit further disclose that petitioner was neither allocated any contract nor given any work order or supply order, and as such the Writ petition is liable to be dismissed. It is specifically pointed out that as per the record, the contractor of scheme, i.e. Junior Engineer Sri Nilesh Kumar of the LAEO, Saharsa had purchased some material from the petitioner in urgent circumstances for completing



the work for which the cheques were issued.

5. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents and perused the entire record.

6. There was no contract between the petitioner and the respondents for payment dues. Further, no work order was given to the petitioner for supply of material by the 5th respondent as alleged by the petitioner. Further, there is no agreement between the petitioner and the respondents to direct the respondents for payment of the dues. In the absence of material on record the petitioner is not entitled for the dues as claimed in the Writ petition.

7. In view of the above said observation, the Writ petition is dismissed as it is devoid of merit.

(G. Anupama Chakravarthy, J)

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