

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18190 of 2024**

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Shanti Devi, Wife of Jitendra Thakur, Resident of- Ward No. 07, Near Math,  
Matiyariya P.S.- Turkauliya, 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, Adv.  
For the Respondent/s : Mr.Standing Counsel 09

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

2      25-03-2025                      Heard learned counsel for the parties.

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

*“i. For issuance of direction to The Executive Engineer, Building Construction Department, Building Division, Motihari, East Champaran to insure payment of admitted dues of the petitioner of Rs.2, 49,772/- and Rs. Rs.9, 31,673/- respectively with respect to work already executed in terms of Agreement no. 149-F2/2022-23 and Agreement No.65-F2/2023-24*



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

*ii. For any other relief/reliefs for which the petitioner may be deemed entitled to.”*

3. Learned counsel appearing on behalf of the petitioner has stated that the work issued to the petitioner has been completed and the necessary bills submitted. Learned counsel has stated that though the work was completed way back in the year 2023, the authority is not paying the amounts due to the petitioner, therefore, left with no other option the petitioner has approached this Hon'ble Court.

4. In the counter affidavit filed by the respondents more specifically paragraphs nos. 9, 10, 11 and 12, it is stated as under:-

“9. That the statements made in paragraph no. 7 of the writ petition under reply are matters of record. However, it is relevant to state that in terms of the entry made in the Measurement Book No. 2512, the petitioner has completed the work successfully and consequently the completion certificate was issued by the Nazir, Civil Court, Motihari on 24.12.22 and vide letter No. 01/N dated 02.01.23.



10. That in view of the aforesaid completion certificate, the Executive Engineer recommended for payment for the work done. However, the Treasury Officer was directed otherwise vide Letter No. 5758 dated 01.03.23 and Letter No. 53 dated 23.03.23 issued by the Office of the District and Sessions Judge, East Champaran, Motihari and hence the payment for the financial year 2022-23 was not made to the petitioner.

11. That it is relevant to state here that vide letter No. 1144 dated 26.09.23, Letter No. 166 dated 02.02.24, Letter No. 180 dated 06.02.24, the Learned District and Sessions Judge, East Champaran. Motihari was requested to approve the supplementary priority list for the work done at Judicial Offices and Judicial Quarters in financial Year 2022-23 and accordingly to issue direction for payment. It is stated that some of the works were granted approval and consequently the concerned contractors were paid however, for want of approval, the dues of the petitioner could not be paid in the Financial Year 2023-24.

12. That again vide letter No. 474 dated 22.04.24, priority list has been submitted in respect of work of financial year 2024-25 and of work of which payment could not have been made in previous financial year.



It is humbly submitted that as soon as the approval is received from the office of the Learned District and Sessions Judge, the payment shall accordingly be made to the petitioner without any delay.

The True Copies of the Letter Nos. 01/N dated 02.01.23, 5758 dated 01.03.23, 53 dated 23.03.23, 1144 dated 26.09.23, 166 dated 02.02.2024, 180 dated 06.02.24 are annexed herewith as Annexure R1/B Series to this Counter Affidavit.”

5. Learned counsel appearing on behalf of the respondents has drawn the attention of the court to the letters dated 02.01.2023 and 01.03.2023 issued by the office of the District and Sessions Judge, Motihari, wherein it is stated that any bill relating to the work of the Judgeship submitted by the Building Construction Department, Motihari and E.W.D. Motihari shall be passed without obtaining prior permission from Ld. District and Sessions Judge, East Champaran, Motihari. Learned counsel has also drawn the attention of the Court to the reminder letters dated 05.02.2024 and 22.04.2024 issued to the Judgeship.



6. A perusal of the said letter shows that same have written in the month of February and April, 2024 and even though more than one year has been lapsed, the authority concerned is yet to give the clearance.

7. Having regard to the same, the District and Sessions Judge, East Champaran, Motihari is directed to verify the bills submitted by the petitioner and also the request letters made by the Executive Engineer, Building Construction Division, Motihari and see that the necessary approvals are given as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order. Thereafter the authorities are directed to make the necessary payments to the petitioner.

8. Copy of this order shall be forwarded to the District and Sessions Judge, Motihari for due compliance.

9. With the above directions, the present writ petition stands disposed of.

**(A. Abhishek Reddy , J)**

Bhardwaj/-

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