

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12146 of 2018

1. Vinod Kumar, Son of Ram Chandra Sao,
2. Basudeo Mistri, Son of Dhanraj Mistri,
Both are residents of Village- Masaurha, Police Station- Nardiganj, District- Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Department of Agriculture, Govt. of Bihar, Patna
2. The Director Engineering, Soil Conservation, Nawada.
3. The District Magistrate, Nawada.
4. The Deputy Director Engineering, Soil Conservation-cum-District Nodal Officer, Nawada.
5. The Assistant Director Agronomy Soil Conservation-cum-PIA, IWMP, Nawada.
6. The District Soil Conservation Officer, W.D.T., Nawada.
7. The Assistant Soil Conservation Officer and W.D.T., Nawada.
8. The Mukhia-cum-Chairman, IWMP, Gram Panchayat Masaurha, Block- Nardiganj, District- Nawada.
9. The Secretary, IWMP, Gram Panchayat, Masaurha, Block- Nardiganj, District- Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra
For the Respondent/s : Mr. Ram Shankar Prasad, AC to GP XIV

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 12-09-2025

1. The petitioners have filed the instant application for the following relief:

“For a direction upon the Respondents concerned to make payment of the amount of execution of work in terms of agreement made by



the Respondents authorities with the petitioner under Integrated Water Management Programme (IWMP) which is the Scheme of the Respondent State and despite having completed the Schemes as per agreement even due amount has not been paid without assigning any valid reason for which petitioner has approached the Respondent authorities but no further order has been passed. Any other relief or reliefs for which petitioner are found entitled to in the facts and circumstances of the case.”

2. The factual matrix as culled out from the Writ petition are that the petitioner No. 1/ Binod Kumar and petitioner No. 2 / Basudeo Mistri, were selected by the villagers of Masaurha Panchayat to execute work relating to soil and water conservation under the Integrated Water Management Programme (hereinafter called as



IWMP), a State-sponsored scheme. It is submitted that on 05.02.2016, the villagers submitted an application to the Mukhia-cum-Chairman of IWMP, Masaurha Panchayat, requesting for the constitution of a committee and nominating the petitioners as representatives for executing the said work. Accordingly, Work Order Nos. 5 and 6 were allegedly issued to Petitioner No. 1 for a command area of 25 acres each, with an estimated amount Rs.2,50,000/- each, and Work Order Nos. 7 and 8 were issued to Petitioner No. 2 for the same command area and amount. Thereafter, an agreement was executed on 10.02.2016 between the petitioners and the Mukhia-cum-Chairman, allegedly authorizing them to carry out the work.

3. It is submitted that the work of renovation of the Ahar between Bilaychak and Nauabigha in Masaurha Panchayat was completed in accordance with the terms of the said agreement, and the same was certified by the Mukhia and Sarpanch on 16.02.2018.

4. It is further submitted that despite



completion of work, no payment was made. Representations dated 24.02.2018 was submitted by the petitioners to the District Magistrate, Nawada and a letter dated 13.03..2018 was sent by the Sarpanch to the Deputy Director-cum-Soil Conservation Officer, Nawada, requesting for the release of payment. However, neither the Measurement Book was prepared, nor any payment was made.

5. The Learned counsel for the petitioners argued that the work orders were duly issued, and agreements were executed authorizing the petitioners to undertake the renovation work of the Ahar under the IWMP scheme and the work was completed to the satisfaction of the local authorities and villagers and was verified and certified by the Mukhia and Sarpanch in 2018. However, payments were not made inspite of their representations.

6. The Learned counsel for the petitioner lastly urged that the denial of payment is arbitrary, unjustified and in violation of the



principles of natural justice.

7. A detailed counter affidavit was filed on behalf of the respondents stating therein that the alleged work orders were issued by the then Mukhia / Kamalti Devi, on 17.10.2016. However, her tenure had ended in the month of May 2016, and she had no authority to issue such orders. The new Mukhia / Reeta Devi, was elected in the month of May 2016, and she never issued any orders to the petitioners. Consequently, the work orders issued by Kamalti Devi were without jurisdiction and were invalid.

8. The Learned counsel for the respondents submitted that the Deputy Director, Soil Conservation, vide Order No. 67 dated 13.05.2017, cancelled the alleged work orders issued by the former Mukhia and directed that fresh work orders be issued through the present Mukhia.

9. It is contended that the work orders in question, bear antedated signatures and were forged or fabricated. The Secretary's signature is



dated 05.02.2016, while the body of the work order is dated 17.10.2016, suggesting tampering and irregularity. Further, no estimate or measurement book was ever prepared for the alleged work. Further, there is no official record of any sanctioned work being undertaken by the petitioners.

10. It is contended that the so-called "Profiteer Committee" constituted by villagers was not formed in the presence of any authorized technical officer, and therefore has no legal sanctity. The agreements and certificates relied upon by the petitioners were forged and not recognized by the Department. Therefore, prayed to dismiss the writ petition as devoid of merits.

11. Upon hearing the Learned counsel for the parties and on perusal of documents, the Court finds that Work Order Nos. 5 and 6 were allegedly issued to Petitioner No. 1, and Work Order Nos. 7 and 8 to Petitioner No. 2, for a command area of 25 acres each with an estimated amount of Rs. 2,50,000/- each. The said work



orders are dated 17.10.2016. But at the signature of the Secretary, the date was mentioned as 05.02.2016, which clearly indicates antedating of official documents. Further, the counter affidavit reveals that the tenure of the then Mukhia, Kamalti Devi ended in the month of May, 2016 and the work orders in question were issued by her in the month of October 2016, i.e., after the expiry of her official term. This renders the issuance of the work orders patently unauthorized.

12. It is further evident from the counter affidavit that the new Mukhia / Reeta Devi, assumed charge in May 2016, and she did not issue or ratify any such work order. Consequently, the Deputy Director, Soil Conservation, rightly cancelled the alleged work orders vide Order No. 67 dated 13.05.2017. No Measurement Book was prepared, and no official estimate was sanctioned for the alleged work. The Department has denied the execution of any sanctioned work under the IWMP scheme by the petitioners. The allegations of forgery and



fabrication regarding the agreements and certificates issued by local representatives have not been effectively rebutted by the petitioners, inspite of specific allegations against them.

13. In the absence of valid work orders, sanctioned estimates, or measurement records, the Court cannot direct payment of public funds based solely on private representations and disputed documents.

14. In view of the above findings, this Court is of the considered opinion that the writ petition is devoid of merits and does not warrant any interference.

15. Accordingly, the writ petition is dismissed.

16. Interlocutory Application, if any, shall stands disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.09.2025
Transmission Date	

