

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11820 of 2025

=====

Rishu Raj, Son of Brajesh Kumar Singh, (Proprietor 4R Construction)
Resident of Village- Gaurakshani, Gajrath, P.S.- Sasaram, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
3. The Project Officer-cum- Additional Director, Urban Development and Housing Department, Govt. of Bihar, Patna.
4. Sasaram Municipal Corporation, through the Municipal Commissioner, Sasaram.
5. The Municipal Commissioner, Sasaram Municipal Corporation, Sasaram.
6. The Executive Engineer, Urban Development Division, Sasaram and Kaimur.
7. The Assistant Engineer, Municipal Corporation, Sasaram.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Rahul Rathour, Adv. Mr. Sudhir Kumar Singh, Adv. Mr. Saharsh Singh, Adv. Mr. Ambrish Kumar, Adv.
For the Respondent/s	:	Mr. Standing Counsel (05) Mr. Prashant Kumar, AC to SC 5
For the Resp. Nos. 4 and 5	:	Mr. Bajrangi Lal, Adv.

=====

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

6 22-04-2026 Heard learned counsel for the parties.

2. The present Writ Petition has been filled for the
following reliefs:-

*“(i). For quashing of order contained in
Memo No. 1785 dated 03.06.2025 issued
under the signature of Respondent No. 5
whereby and whereunder the payment of
admitted due bills of the petitioner
against the executed work has stayed till*



the disposal of CWJC No. 749 of 2025.

(ii). For directing the respondents to pay an admitted amount of Rs. 20,63,235/- along with statutory / penal interest for the work executed by the petitioner with respect to different work of the scheme executed by the petitioner.

(iii). For any other relief/ reliefs if petitioner is found entitle in the facts and circumstances of the present case.”

3. Learned counsel appearing on behalf of the petitioner submits that pursuant to the tender issued by the respondent corporation, the petitioner was allotted the work vide work order dated 15.03.2024 (Annexure P/2). Thereafter, the petitioner completed the work on 06.08.2024, 12.08.2024, and 04.09.2024 (Annexures P/6, P/7, and P/9).

4. In the counter affidavit filed by the Respondent Nos. 04 and 05, at para 7, 8, 9, 10, 11, 12, 13, 14 and 15 it is specifically stated as under:-

“7. That it appears from record that the petitioner submitted his ers for both Tender no.24/2023-24 for the scheme tender papers no.05 and 07 and 26/2023-24 for scheme no.10 appending relevant documents including affidavit prescribed in format.

8. That it is stated that ultimately, in due observance of prescribed procedure, bids were open and the petitioner firm namely Rishu Raj



(4R construction) son of Rajesh Kumar Singh Mohalla- Gaurakshani Gajradh, Town, PO and PS-Sasaram district-Rohtas being L-1 bidder was allotted work for the three tenders bearing tender no.24 scheme no.5, Tender No.24 Scheme no.7, Tender no.26 scheme no.10.

9. That thereafter the Nagar Nigam issued three work orders in favor of the petitioner vide office order contained in Memo no.1562 dated 15-03-2024 for scheme no.5 (NIT No.24/2023-24, office order contained in Memo no.1560 dated 15-03-2024 for scheme no.7 (NIT No.24/2023-24) and office order contained in Memo no.3281 dated 26-07-2024 for scheme no.10 (NIT No.26/2023-24) respectively was allowed to him and thereafter the petitioner executed agreement with respondent no.5 on 12-06-2024 for scheme no.5) for an estimated rate of Rs.4, 93, 199/-, for scheme no.7 on 12-06-2024 for estimated rate of Rs.3, 86, 217 and for scheme no.10 for estimated rate of Rs.11, 83, 819/-.

10. That it is stated that from the record it appears that the petitioner carried out the works and its sample was collected and tested and thereafter spot inspection was made by the Junior Engineer, Assistant Engineer and concerned Executive Engineer who recommended for payment of bills vide report



dated 06-08-2024, 12.08.2024 and 04-09-2024 (Annexure-P/6 to P/8).

11. That it is stated that in the meantime the Mayor, Sasaram Municipal Corporation lodged complaint before Municipal Commissioner, Sasaram vide her memo no.323 dated 03-08-2024 that the petitioner is son of a ward councilor and so the allotment of work of NIT bearing no.24/2023-24 or 26/2023-24 in his favor is in violation of Section 53 (i) and (ii) of Bihar Municipal Act, 2007.

12. That upon receipt of the complaint, a guideline was sought from the Principal Secretary, Urban development and Housing department, Government of Bihar Patna vide letter no.480 dated 21-02-2025.

13. That it is humbly stated that in response to the aforesaid letter contained in Annexure-R-5/B, Urban Development and Housing department, Government of Bihar Patna vide its letter no.4360 dated 22-04-2025 wrote to Nagar Nigam Sasaram that necessary action may be taken in accordance with the provisions made in section 53 (i) and 53 (ii) of Bihar Municipal Act, 2007 read with clause 18 (4) of the tender notice.

14. That it is humbly stated that in the meantime one Sunil Kumar has filed CWJC No.7491 of 2025 before this Hon'ble court challenging the allotment of tender (NIT) to



the petitioner alleging violation of the provisions and procedures prescribed under law. The said writ petition is pending for consideration and final adjudication before the Hon'ble court wherein this deponent has filed counter affidavit.

15. That That receipt of instruction from the Project officer cum Additional Director, Urban Development and Housing department, Government of Bihar vide his letter dated 22-04-2025, the deponent sought a legal opinion from learned Government Pleader, Rohtas and after considering the legal opinion the deponent vide order contained in Memo no. 1785 dated 03-06-2025 (Annexure-P/13) has rightly held that until disposal of the writ petition bearing CWJC No.749/2025 (Sunil Kumar versus the State of Bihar and others) payment of the bills of the petitioner would not be made to him and would be kept in abeyance.”

5. Having regard to the fact that the writ petitioner in CWJC No. 749 of 2025 has stated that he is not interested in seeing that the amounts payable to the writ petitioner in CWJC No. 11820 of 2025 are stopped and he is only interested in seeing that necessary action is taken against the Municipal Commissioner, Sasaram Municipal Corporation. This Court



deems it fit to direct the respondent authority to make the necessary payment for the work completed by the petitioner at the earliest preferably within a period of eight weeks from the date of receipt of a copy of this order

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

(A. Abhishek Reddy , J)

Bhardwaj/-

U			
---	--	--	--

