

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13877 of 2006**

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Rajendra Upadhyay son of Sri Ramashraya Upadhyay, resident of village  
Bawan Bandh Gauri, P.S.Dhansoi, District Buxar .... .. Petitioner/s  
Versus

1. The State of Bihar
  2. Secretary, Rural Engineering Organisation, Govt. of Bihar, Patna
  3. Deputy Secretary, Rural Engineering Organisation, Govt. of Bihar,  
Patna
  4. Engineer-in-Chief, Rural Engineering Organisation, Govt. of Bihar,  
Patna
  5. Executive Engineer, Rural Engineering Organisation, Works Division,  
Bhabhua, Kaimur .... .. Respondent/s
- =====

**Appearance :**

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate  
Mr. Dr.Rajendra Prasad, Advocate  
For the Respondent/s : Mrs. Narmrta Mishra, GA 13

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA**  
**ORAL ORDER**

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5      27-02-2015                      Heard the parties.

The petitioner has filed the present writ petition under Article 226 of the Constitution of India for quashing/modification of the LPC dated 07.02.2003 (Annexure-6) wherein it has been shown that an amount of Rs.2,50,000/- ( Rupees two lacs fifty thousand) of MP fund is still outstanding against the petitioner. The petitioner has also prayed for a direction for issuance of a revised LPC.

In compliance of the order dated 27.01.2015 passed by this Bench, a counter affidavit has been filed on behalf of the respondent nos. 1 to 5 stating therein that an amount of Rs.2,36,848/- on account of bill of the petitioner has been adjusted and LPC of the petitioner has been accordingly modified by letter dated 05.02.2015 issued by the Executive Engineer, Works Division, Bhabhua. It is submitted by the learned State counsel that in view of issuance of the aforesaid letter dated 05.02.2015

modifying the LPC of the petitioner, grievances of the petitioner have been redressed. Therefore, the present matter has become infructuous.

Though a copy of the aforesaid counter affidavit was served upon the learned counsel for the petitioner way back on 09.02.2015, but till date no rejoinder affidavit has been filed on behalf of the petitioner controverting the averments made in the aforesaid counter affidavit.

In above view of the matter, the present writ petition is disposed of as infructuous, as the grievances of the petitioner, as indicated in paragraph 1 of the writ petition, have been redressed. However, it goes without saying that if the petitioner is entitled to refund of any amount, which has been admitted in the supplementary counter affidavit filed on behalf of the respondent no. 5, the same shall be refunded without any unnecessary further delay.

In the aforesaid factual matrix, separate show cause filed on behalf of the respondent nos. 2 to 5 are hereby accepted and no further action is required to be taken against these respondents.

The writ petition stands finally disposed of with the observations and directions made above.

**(Birendra Prasad Verma, J)**

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