

Court No. - 40

Case :- WRIT - C No. - 37485 of 2023

Petitioner :- Kripa Shankar Upadhyay

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Shree Prakash Upadhyay

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Sri S.P. Upadhyay, learned counsel for the petitioner and Sri Fuzail Ahmad Ansari, learned counsel, who appears for Allahabad High Court. Instructions filed by Sri Ansari, learned counsel on behalf of High Court is taken on record.

2. The petitioner has preferred the present writ petition for directing and commanding the respondents for ensuring payment of work, which was carried out by the petitioner in the financial year 2014-2015 at the residence of District Judge, Bhadohi.

3. Once the payment had not been ensured by the respondents, the petitioner has made a complaint in the year 2015 against the then Nazir, Civil Court, Bhadohi. The said complaint was forwarded to the District Judge, Bhadohi by the Hon'ble High Court vide D.O. No. A-76/2021 dated 5.2.2021 to enquire and submit report. Thereafter, the District Judge has referred the complaint to the Officer In-Charge, Nazarat to enquire and for submission of enquiry report. In response thereof, the Enquiry Officer had examined the witnesses and after collecting the evidence, he had submitted report on 16.2.2022 and indicated that the complaint was suspicious in nature. Accordingly, thereafter the enquiry report was forwarded to the Hon'ble Court vide letter no.221/XV dated 17.2.2022.

4. Sri Ansari, learned counsel for the High Court raised objection regarding maintainability of the writ petition on the ground that by means of present writ petition, the petitioner raised disputed bills of 2014-2015 and at no point of time any work was assigned to him. The complaint of the petitioner was duly entertained and after enquiry and collecting the evidence, report had already been

submitted, which warrants no interference under Article 226 of the Constitution.

5. Considering the facts and circumstances, as the disputed bills have been pressed for payment, the same cannot be agitated at this belated stage. Accordingly, the writ petition fails and is dismissed.

Order Date :- 29.11.2023

Manish Himwan