

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15618 of 2009

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Prem Nath Jaishwal, S/O Sri Baleshwar Prasad Jaishwal, R/V - Raj Barari,
P.S.- Barari, Distt.- Katihar

.... Petitioner/s

Versus

1. The State of Bihar through its Secretary, Rural Development Department
2. The District Magistrate, Katihar
3. The Deputy Development Commissioner, Katihar
4. The Executive Engineer, N.R.E.P., Katihar
5. The Junior Engineer, Unde Barari Block
6. The B. D. O. Barari, Katihar
7. The Mukhiya Gram Panchayat, Raj Barari, Block- Barari, Distt.- Katihar
8. The Panchayat Secretary of Raj Barari Panchayat P.S.- Barari, Distt.- Katihar

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent nos.1to6: Mr. Prabhat Ranjan, Ac to GP-12

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 04-02-2015 Despite repeated calls, none appears on behalf of the petitioner in support of the present writ petition. Yesterday also i.e. 03.02.2015 when the matter was called out none had appeared on behalf of the petitioner to press the present writ petition. However, by an oral order the matter was passed over for the day.

Learned counsel appearing on behalf of the respondents submits that the claims raised on behalf of the petitioner in the present writ petition is within the realm of disputed questions of facts particularly in view of the averments made in the counter affidavit filed on behalf of the respondents. According to him, the counter affidavit was filed on behalf of the respondents long long ago, but the original copy of the counter affidavit is not available on record. A photocopy of the counter affidavit produced by the learned State counsel is taken on record.

In view of the fact that the claims raised on behalf of the petitioner with respect to contractual dues/obligation is within the realm of disputed questions of facts, this Court is not inclined to accede to the prayers made on behalf of the petitioner, as indicated in paragraph 1 of the writ petition.

Accordingly, the present writ petition is dismissed.

However, the petitioner, if so advised, shall be at liberty to approach the Civil Court of competent jurisdiction for grant of an appropriate relief on the basis of the materials/evidence produced by the parties. If such a civil suit is brought by the petitioner, then the same shall be considered and decided in accordance with law, without being prejudiced by the present order.

(Birendra Prasad Verma, J)

Arvind/-

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