

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.965 of 2015

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Abdullah. Son of Abdul Majeed, Proprietor of Munna Crockery and Tent House. Situated at Main Road, P.S. + District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Gopalganj.
3. The District Magistrate-cum-District Election Officer, Gopalganj.
4. The Deputy Election Officer, Gopalganj Collectorate, District – Gopalganj.
5. The Surgeant of Police, Police Line, Gopalganj.
6. The Deputy Collector, District - Najarat Office, Gopalganj Collectorate, Gopalganj.
7. The Incharge Office, District Transport Cell, Gopalganj Collectorate, Gopalganj.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Ranjan Kumar Srivastava, Advocate

For the Respondent/s : Mr. Sanjay Pandey, GP-21

Mr. Vivek Anand Amritesh, AC to GP-21

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 27-04-2015 The grievance of the petitioner is that it is upon request made by the District Magistrate, Gopalganj-cum-District Election Officer that he had made supply of certain items way back in the year 1996, the details of which are mentioned in Annexure-1 to the writ petition. The petitioner has enclosed copy of the bill supplied by him present at Annexure-3 to the tune of Rs. 9,69,180/-. It is the grievance of the petitioner that although the file relating to the payment on the supply of the items made by the petitioner did make a movement but did not yield any final result.

It is in these circumstances that the writ petition was

filed albeit a delay of almost 20 years but considering the nature of grievance and that the default was on the part of the State, that this Court required an answer from the District Magistrate, Gopalganj.

A counter affidavit has been filed on behalf of the District Magistrate, Gopalganj and it has been candidly admitted in paragraph-6 that the records pertaining to the supplies are traceless. The District Magistrate upon gathering information about the pendency of the writ petition as well as the circumstances existing has vide memo dated 30.4.2015 placed at Annexure-8 to the counter affidavit constituted a committee to enquire into the matter and verify the claims. It is stated in paragraph-7 of the counter affidavit that the committee vide letter no. 9(Mu) dated 15.4.2015 has issued notice to all concerned employees of the parliamentary election, 1996 for collecting evidence and the petitioner has also been directed to be present on 25.4.2015. It has been fairly admitted in paragraph-8 that the efforts are on but the same would take some time in absence of the relevant records.

Having heard learned counsel for the parties and taking note of the grievance raised herein, the stand of the respondents as well as the fact that the District Magistrate, Gopalganj has constituted a committee to enquire into the grievance of the

petitioner and take appropriate steps after verification thereof, I am of the opinion that no fruitful purpose would be served in keeping the writ petition pending.

In view of the stand taken by the respondents the writ petition is disposed of with the direction to the District Magistrate, Gopalganj to consider the claim of the petitioner and in case the claim of the petitioner is found supported by the record, make payment of the same within a reasonable period preferably within six months from the date of receipt / production of a copy of this order.

S.Sb/-

(Jyoti Saran, J)

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