

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4794 of 2009

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Dev Narayan Rai, Son of Hari Charan Rai, resident of Village- Makdumpur
Bijaiya, Post Office- Manda, P.S.- Mansurchak, Distt.- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary-cum-Commissioner, Rural Development Department,
Government of Bihar, Patna.
3. District Magistrate, Begusarai.
4. The Deputy Development Commissioner, Begusarai.
5. The Sub Divisional Officer, Teghra, Begusarai.
6. The Block Development Officer, Mansurchak.
7. The Block Development Officer, Bhagwanpur, Begusarai.
8. The Incharge Block Agricultural Officer, Mansurchak, Begusarai.
9. The Executive Engineer, Minor Irrigation Division, Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s : Mr. Pramod Kumar Sinha, AC to AAG-2.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

4 13-01-2015

No one appears for the petitioner.

2. The prayer of the petitioner in this writ application

reads as follows:

"1(i) For issuance of a writ of certiorari for quashing that part of the order as mentioned in memo no. 377 dated 28.02.09 issued by the respondent no. 3 (Annexure-8) by which claim of the petitioner with respect to 15 number of Boring sets have been rejected and only work of sinking of 3 Boring sets have been allowed for which Rs. 18,940 has been paid to the petitioner.

(ii) For issuance of a writ of mandamus directing commanding the respondents to make payment of not only 15 left over (not paid) Boring sets but also 7 other Boring sets sunk by petitioner and had been found working satisfactorily during inspection as recorded in letter no. 40 dated 10.01.04 issued by respondent no. 6 (Annexure-4).

(iii) For issuance of an order/direction to the respondents to give details of calculation chart showing clearly the calculation method of the payment of Rs. 18,940 made to the petitioner against 3 Boring sets only.

(iv) For issuance of an order/direction the respondents to produce entire record concerning the decision taken in light of the order dated 30.01.2008 (Annexure-6) passed by this

Hon'ble Court by which an enquiry has been done whereafter payment made to the petitioner for the work done by the petitioner.

(v) For issuance of an order/direction to the respondents to produce enquiry reports of respondent nos. 6, 7 and 9 who has examined the matter of payment to petitioner, as mentioned in memo no. 377 dated 28.02.09 issued by respondent no. 3.

3. Let it be noted that the claim of the petitioner was examined by the respondents in pursuance of an earlier direction given by this Court in the order dated 30.01.2008 in C.W.J.C. No. 2402 of 2006 whereafter the respondents have found the petitioner entitled for payment of certain amount and have also gone to reject the rest of the amount. Thus, if the petitioner thereafter had any grievance with regard to disputed amount, the remedy for the petitioner was to file a civil suit because the disputed questions of fact, which is being specifically sought to be raised in this writ application for grant of relief prayed herein, cannot be gone into within the limited jurisdiction under Article 226 of the Constitution of India.

4. In fact, such disputed questions, with regard to completion of work within the stipulated period and to the satisfaction of the authorities, which alone could have made the petitioner entitled to get the full amount, as claimed in this writ application, can be gone into only before the Civil Court where both the parties will have the opportunity to lead evidence in

support of their claim.

5. That being so, this writ application, for disputed amount, must fail and is, accordingly, dismissed.

6. The dismissal of this writ application, however, will not come in the way of the petitioner in filing a civil suit before the court of competent jurisdiction for redressal of the grievance raised herein.

(Mihir Kumar Jha, J)

Sujit/-

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