

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1633 of 2009

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Aras Miyan, son of Habib Miyan, resident of village Meghwal Mathiya,
P.S. Ram Nagar, District West Champaran

.... Petitioner

Versus

1. The State of Bihar
2. The Deputy Secretary, Nagar Vikas Bibhag, Patna
3. The Sub Divisional Officer, Bagaha, District West Champaran
4. The Nagar Panchayat, Ram Nagar, through Executive Officer, Nagar Panchayat Ramnagar, District West Champaran

.... Respondents

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. (Aag8)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

7 09-01-2015 No one appears for the petitioner. Learned counsel for the respondents is present.

The prayer of the petitioner in this writ application reads as follows:

“That the present writ application is being filed for issuance of an appropriate order(s), direction(s) or writ(s) in the nature of mandamus commanding the respondents to reduce the bid amount proportionally of 49 days during which collection of parking fee was due to vehicle stike in Nagar Panchayat Ram Nagar, District West Champaran and further for any other relief or reliefs for which the petitioner may be found entitled in the facts and circumstances of the case.”

As would be evident the petitioner is trying to enforce the terms and conditions of non-statutory contract reduced in form of

an agreement but the agreement was/is not on record. As a matter of fact by an order dated 28.6.2010 the petitioner was granted time to bring the agreement on record on the basis of which he had claimed remission for 49 days. The petitioner thereafter was given further indulgence by an order dated 9.7.2010, 9.9.2010 and 30.6.2011 but no such agreement has been brought on record.

In such a situation learned counsel for the State is correct that the petitioner was never entitled for any remission.

That being so, this application is wholly misconceived and is accordingly dismissed.

(Mihir Kumar Jha, J)

surendra/-

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