

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18342 of 2010

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M/S Prasad Consultants, F/103, P.C. Colony, Kankarbagh, P.S.-
Kankarbagh, Distt.- Patna through Uma Shankar Prasad (Proprietor) S/O
Late Ram Chandra Prasad R/O F/103, P.C. Colony, P.S.- Kankarbagh,
Patna- 800 020

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary Urban Development Department
2. The Municipal Commissioner, Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Choudhary, Advocate

For the Respondent No.1 : Mrs. Abhanjalli, AC to GP 16

For the Respondent No.2 : Mr. Nikesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 17-04-2015

Heard the parties.

2. The petitioner has filed the present writ petition under Article 226 of the Constitution of India seeking a direction to the respondent no.2 for payment of contractual dues with interest, which is fully detailed in paragraph 1 of the writ petition.

3. This matter was heard earlier by a Bench of this Court and by order dated 15.11.2010 notice was issued to the respondent no.2. This matter is pending for more than four years and though the respondent no.2 is represented by his counsel, yet counter affidavit has not been filed till date and when the matter has been taken up today for consideration, learned counsel appearing on behalf of the respondent no.2 prays for an adjournment enabling him to file a counter affidavit.

4. In view of the nature of grievances/claims raised on behalf of the petitioner in the present writ petition, this Court is of the opinion that, in stead of keeping the matter pending awaiting a counter affidavit on behalf of the respondent no.2, the

interest of justice shall be subserved if the petitioner is granted liberty to file a comprehensive representation with all supporting documents before the respondent no.2, raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

5. If such a comprehensive representation is filed on behalf of the petitioner within a period of four weeks from today with a certified copy of the present order, then the respondent no.2 shall be obliged to consider and decide the claim of the petitioner by a reasoned and speaking order at an early date preferably within a period of two months from the date of filing of such representation.

6. If on consideration of the materials, the respondent no.2 comes to a conclusion that the claims raised in behalf petitioner are admissible to it, then consequential orders shall also be issued for grant of such admissible claims to the petitioner without any unnecessary further delay.

7. It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner and this is left to be decided by the respondent no.2 strictly in accordance with law.

8. The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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