

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10693 of 2011

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Santosh Kumar Singh S/O Sri Ramdeo Pd.Singh R/O Village-Baryahe Ghat PO-
Razour,Rambhadrapur,Dist.Samastipur.

.... Petitioner

Versus

1. The State of Bihar
2. The Managing Director Bihar Rajya Pul Nirman Nigam Ltd., 7 Sardar Patel Marg Patna
3. The District Magistrate, Samastipur.
3. The Sub Divisional Officer, Rosera, Dist. Samastipur
4. The Block Development Officer, Shivaji Nagar, Rosera.

.... Respondents

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Appearance:

For the Petitioner : Mr. AJAY KUMAR NO.1, ADVOCATE
Mr. MD. MUSHTAQUE ALAM, ADVOCATE

For the State : A.C. TO SC 33

For the Resp. No. 2 : Mr. MD. NADIM SIRAJ, ADVOCATE

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-10-2015

Heard learned counsel for the petitioner and learned
counsel for the respondent Nigam.

2. The present writ petition has been filed for a
direction to the respondents to return the amount of the
petitioner which had been paid by him pursuant to an agreement
for collection of toll from the vehicles on Bariyahi Ghatpul,
Rosera, Samastipur

3. It is submitted on behalf of the petitioner that an
amount of Rs. 9,02,000/- had been paid pursuant to the

agreement entered into between the parties, but owing to closure of the bridge in question for some period, the petitioner became entitled to proportionate refund relating to the said period.

4. A counter affidavit has been filed on behalf of the respondent Nigam, *inter alia*, enclosing a copy of office order No. 321 dated 11.12.2008 according to which an amount of Rs. 1,33,934/- has been found refundable to the petitioner on a detailed calculation made, which has duly been paid to the petitioner by Cheque No. 941525 dated 12.12.2008 drawn on Punjab National Bank, Patna.

5. Having heard the parties and on consideration of the materials on record, this Court does not find merit in the writ petition. A specific averment has been made in the counter affidavit that an office order was passed as far back as on 11.12.2008 determining that Rs. 1,33,934/- as being refundable to the petitioner. However the correctness thereof has not been questioned. It has also been stated that the admissible amount has already been paid to the petitioner through a revalidated cheque which was received by the petitioner's counsel in course of hearing of a contempt petition before this Court.

6. A statement is made at the Bar on behalf of the petitioner that however the revalidated cheque could not be

encashed owing to unavoidable reasons.

7. In the above circumstances, the writ petition is disposed of, granting liberty to the petitioner to approach the respondent Nigam with the original revalidated cheque within a period of one month from today for the purpose of revalidation. In such event, the respondent Nigam shall take appropriate steps for revalidation of the cheque without undue delay.

(Vikash Jain, J)

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