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IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1012 of 2011

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Tarak Choudhary @ Tadak Choudhary @ Tarak Chan son of Badri Choudhary, resident of village Suraundha Colony, P.S. Koilwar Distt. Bhojpur (Ara) .... Petitioner/s

Versus

1. The State of Bihar
2. District Magistrate, Bhojpur (Ara)
3. Circle Officer, Koilwar, Bhojpur(Ara) .... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Shashi Kumar, Advocate
Mr. Ravi Kumar, Advocate
For the Respondent/s : Mr. Yogendra Kumar Singh, AC to SC 15

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 22-06-2016 Heard the parties.

The petitioner has filed the present writ petition seeking a direction to the respondent authorities to refund the bid amount to the tune of Rs.57,570.00 on the ground that despite settlement of sairat in question in favour of the petitioner for the year 2009-2010, parwana was not issued in his favour.

By order dated 21.01.2011 passed by a co-ordinate Bench of this Court, the matter was adjourned for four weeks enabling the State counsel to file a counter affidavit on behalf of the respondents. In the light of the aforesaid order, a counter affidavit has been filed on behalf of respondent no.3. When this matter was taken up for consideration on 20.05.2015, the learned counsel appearing on behalf of he petitioner prayed for an adjournment enabling him to file a reply to the counter affidavit filed on behalf of the respondent no.3. Accordingly, the matter was adjourned and was ordered to be listed after summer vacation, 2015. Despite aforesaid indulgence granted by this Court and despite passage of more than one year, reply affidavit has not been filed on behalf of the petitioner.

The learned State counsel appearing on behalf of the respondents, by referring to the averments made in the aforesaid counter affidavit, submits that for the same set of relief, the petitioner has approached the learned District Consumer Forum, Bhojpur, Ara giving rise to Case No. 14 of 2010, which is still pending. According to him, for the same set of relief, the petitioner cannot be permitted to pursue two parallel remedy before two different forums/courts.

The learned counsel appearing on behalf of the petitioner has not been able to dispute the aforesaid assertions made in the aforesaid counter affidavit. According to him, despite all efforts, he is not getting instructions from his client; therefore, reply affidavit has not been filed.

In above view of the matter, the averment made in the counter affidavit regarding filing of the case before the District Consumer Forum, Bhojpur, Ara by the petitioner has to be accepted. Apparently, for the same set of relief, the petitioner is pursuing his remedy before two parallel forums/courts; one before the District Consumer Forum, Bhojpur, Ara and another before this Court, which cannot be permitted.

In above view of the matter, the present writ petition is dismissed.

However, the petitioner shall be liberty to pursue his remedy before the District Consumer Forum, Bhojpur, Ara and if order goes against him, he shall further be at liberty to challenge that order before the appropriate forum/court.

(Birendra Prasad Verma, J)

Tahir/-

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