

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20807 of 2010

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1. M/S Bharat Book Stall, Araria, a Proprietary Firm through its owner Md. Waizul Haque son of Md. Sanaul Haque, resident of Maulvi Tola, Araria, Police Station and District Araria.
 2. Md. Waizul Haque, son of Md. Sanaul Haque, resident of Maulvi Tola, Araria, Police Station and District Araria.

.... Petitioner/s

Versus

1. The State of Bihar
2. Deputy Development Commissioner-cum-Managing Director, District Development Authority, Araria, District Araria
3. Prof. Aslam Azad fathers name not known to the petitioner, Member Bihar Legislative Council, Deputy Leader Bihar Legislative Council, Patna
4. Deputy Development Commissioner, Sitamarhi.
5. Deputy Development Commissioner, Patna.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Raghib Ahsan, Sr. Advocate.
For the Respondent no 3. : Mr. Anisur Rahman, Advocate.
For the State : Mr. Rajeev Shekhar AC to GA-13

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

13 15-11-2016

Heard the parties.

The parties have exchanged pleadings.

Petitioner no.1 is a Firm whereas the petitioner no.2 is the sole proprietor of the Firm registered under the Bihar Sales Tax Act and Income Tax Act. The writ application prays for a direction to quash the order dated 23.11.2010 (Annexure-2) issued by the respondent Deputy Development Commission-cum-Managing Director, District Rural Development Authority, Araria, cancelling the work order (Annexure-1) issued in favour

of the petitioner for supply of books to the different middle schools as well as the Madarsa from the development fund allotted by the respondent no.3. The writ application stood dismissed vide order dated 24.04.2015. Subsequently, it was restored.

It is submitted that the cancellation order (Annexure-2) was issued without any notice to the petitioner which was received after the due date of supply of the books as per the Annexure-1. It is stated that the petitioner is entitled to payment of the bills for supply of the books already made by him pursuant to Annexure-1.

Learned counsel for the State, on the contrary, referring to the averments made in diverse paragraphs of the counter affidavit filed on behalf of the respondent no.2, has seriously disputed the said contention. It is stated that the terms of the allotment order was/were never complied by the petitioner inasmuch as the sample books etc. were not furnished. Till date, no bill was submitted by the petitioner for allegedly supply of book materials to the different middle schools as well as the Madarsa. The counsel for the petitioner has, however, controverted some of the statements made in the counter affidavit.

Considering the passage of time already consumed and the specific stand taken by the respondent disputing the claim

of the petitioner, it would not be appropriate for the writ Court to invoke its jurisdiction under Article 226 of the Constitution of India and direct for payment of the bills said to have been submitted by the petitioner against supply of book materials as per Annexure-1.

Mr. Ahsan, Sr. Advocate, after making submissions at some length states that the petitioner would ventilate his grievance before the appropriate Court of civil jurisdiction.

The writ application is disposed of without granting any relief to the petitioner with a liberty to pursue the matter before the appropriate forum/Court in accordance with law.

(Kishore Kumar Mandal, J)

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