

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22536 of 2012

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Umashankar Prasad, Son of Late Ramchandra Prasad M.I.E.B. Civil Engg.
Consulting Engineer, P.R.D.A. (Department of Urban Development) Licence
Member, State Resource Group B.E.P.F. 103, P.C. Colony, Kankarbagh, Patna,
P.S. Kankarbagh, Dist.- Patna

.... Petitioner

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna
2. Principal Secretary Urban Development Department, Bihar, Patna
3. Director, Shahri Garibi Unmulan, Urban Development Department, Bihar, Patna
4. Executive Officer, Nagar Panchayat Banmankhi, District- Purnea

.... Respondents

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Appearance:

For the Petitioner : None

For the Respondents : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 17-10-2016

The present writ petition has been filed for a direction to the respondents to make payment of the consultancy fee of various amounts relating to the detailed project reports said to have been made by the petitioner.

2. None appears for either side when the matter is called today.

3. A perusal of the counter affidavit filed on behalf of the respondent no. 4 discloses that the claim of the petitioner has been seriously disputed, *inter alia*, alleging that the petitioner had indulged in fraud and forgery. It is further stated that the Executive Officer, Nagar Panchayat, Banmankhi has filed an FIR against the petitioner in

Banmankhi P.S. Case No. 102 of 2013, the investigation of which is going on. Other objections have also been raised on the ground of mis-joinder and non-joinder of parties, as well as approval of the Central Government on the D.P.R. submitted by the petitioner not having been obtained.

4. Having regard to the nature of the grievance of the petitioner as well as the stand of the respondent no. 4 in the counter affidavit, this Court is of the view that the claim of the petitioner involves disputed questions of fact which could not be adjudicated by this Court in exercise of its writ jurisdiction.

5. The writ petition accordingly stands dismissed.

Chandran/BT

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
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