

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20088 of 2012

M/s Nityanand Pathak through its Proprietor, Nityanand Pathak son of Late Ruda Nand Pathak, resident of Koshi Chowk, Goutam Nagar, Saharsa

.... .... Petitioner

Versus

1. The State of Bihar through Secretary Home Government of Bihar, Patna
2. District Election Officer Cum District Magistrate, Saharsa
3. Deputy Election Officer, Saharsa
4. State Election Commission through State Election Commissioner Sone Bhawan, Bihar, Patna

.... .... Respondents

Appearance:

- For the Petitioner : Mr. Anil Kumar Mukund, Adv.  
Mr. Purnendu Kumar, Adv.  
For the Respondents : Mr. Maruth Nath Roy, AC to SC-4

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 03-10-2016

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The present writ petition has been filed for a direction to the respondents for making payment of a sum of Rs. 36,54,340/- with interest claimed to be outstanding to the petitioner against his bills said to be pending in respect of electrical works done by the petitioner during Bihar Legislative Assembly Election (Second) of 2005 in Saharsa District.

3. At the very outset, this Court takes note that the claim of the petitioner relates to the work of 2005. Statement is made at the Bar that the petitioner received an aggregate payment of Rs. 3,36,194/- in

November, 2005 and thereafter no further payments have been made, leaving an outstanding amount of Rs. 36,54,340/- to which the petitioner claimed to be entitled. Petitioner however has not stated what steps were taken for obtaining payment of its dues and nor even that any representation was filed before the authorities for the purpose until as late as on 09.08.2012 (Annexure-2) just prior to filing of the writ petition.

4. Considering the delay and laches on the part of the petitioner in pursuing his remedy for which no satisfactory grounds have been shown, this Court is not inclined to entertain the writ petition after such inordinate delay in respect of the reliefs sought which are in the nature of a mere money claim.

5. The writ petition accordingly stands dismissed.

**(Vikash Jain, J)**

Md. Ibrarul/Chandran

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