

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6965 of 2014

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PUSHP BHARTI, THROUGH ITS SECRETARY, RABINDRA SINGH S/O SHRI
VISHWANATH SINGH R/O VILLAGE KHAIRIMAL, P.S. PIPRA, DISTRICT EAST
CHAMPARAN

.... PETITIONER

VERSUS

1. THE STATE OF BIHAR THROUGH PRINCIPAL SECRETARY, NAGAR VIKAS
DEPARTMENT, BIHAR, PATNA
2. THE PRINCIPAL SECRETARY, NAGAR VIKAS DEPARTMENT, BIHAR, PATNA
3. THE DISTRICT MAGISTRATE, SIWAN, DISTRICT SIWAN
4. THE NAGAR PARISHAD, SIWAN THROUGH ITS EXECUTIVE OFFICER,
SIWAN, DISTRICT SIWAN.
5. THE NAGAR EXECUTIVE OFFICER, NAGAR PARISHAD, SIWAN, DISTRICT
SIWAN
6. THE CHAIRMAN OF NAGAR PARISHAD, SIWAN, DISTRICT SIWAN

.... RESPONDENTS

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Respondent/s : Mr. S.A. ALAM

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 21-01-2016

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

2. The present writ petition has been filed for payment of the
contract due amount worth Rs. 8,46,742/- relating to the bills for the months
of October, November, and December, 2013 together with interest.

3. At the very outset learned counsel for the respondent Nagar
Parishad points out that the petitioner has suppressed the fact that he had
approached this Court earlier in CWJC No. 3479 of 2014 for similar relief,
having made an incorrect statement in paragraph 18 of the writ petition.
Further, the statement in paragraph 9 referring to the earlier writ petition

mentions only that the same was filed against the action of the respondents stopping the work in question which is also incorrect.

4. A perusal of the records of CWJC No. 3479 of 2014 discloses that apart from seeking the relief with regard to stopping of the work, the petitioner has further sought relief in prayer no. (iv) in the following terms:-

“(iv) For issuance of an appropriate writ directing and commanding the respondents to make payment of the agreement amount in time including arrears as per agreement itself enabling the petitioner to do the work smoothly allotted to the petitioner.

5. The said writ petition having been filed in February, 2014 clearly covers the period of the bills namely, October, November and December, 2013, and such fact has been avoided to be disclosed in the present writ petition.

6. In view of the above, this Court is not inclined to consider the prayer of the petitioner on merits in the present writ petition, which stands dismissed.

(Vikash Jain, J)

Chandran

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