

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9073 of 2014

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Bharat Kumar Yadav, Son of Ram Sharan Yadav, resident of village -
Chukti, Police Station - Mansi, District - Khagaria

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Revenue, Government of Bihar, Old Secretariat, Patna
2. The District Magistrate - cum - Collector, Khagaria
3. The District Development Officer - cum - Chief Executive Officer, Zila Parishad Khagaria
4. The Additional Chief Executive Officer, Zila Parishad, Khagaria
5. The District Municipal Corporation Officer, District Board, Khagaria

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Respondent/s : Mr. Manoj Kr. Ambastha

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

5 05-12-2016 Heard learned counsel for the parties.

The grievance in the writ application is for payment of the charges for hiring of the vehicle used by the Chairman, Zila Parishad, Khagaria. The same having been rejected by order dated 15.06.2012 has also been impugned.

Learned counsel for the petitioner submitted that the order impugned discloses that because of the financial condition of the Zila Parishad, the amount is not being paid, which cannot be a ground for denying such payment.

Learned counsel for the Zila Parishad raised a



preliminary objection and submitted that, as the facts are disputed, inasmuch as, there is no agreement between the petitioner and the Zila Parishad for providing such vehicle, the writ application is not maintainable as he will have to prove his case on facts, in accordance with law, in a duly constituted civil proceeding.

Faced with the situation, learned counsel for the petitioner seeks permission to withdraw the writ application with liberty to move before appropriate forum, in accordance with law, for the reliefs sought for in the present writ application i.e., by way of filing a suit before the civil court of competent jurisdiction.

Learned counsel for the respondents do not oppose.

Accordingly, writ application stands disposed off as withdrawn with liberty aforesaid.

(Ahsanuddin Amanullah, J)

Sujit/-

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