

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.985 of 2008

Madan Mohan Prasher Proprietor Bihar Agro Traders, son of late Durga Dass,
resident of Mohalla- Pokharia Kachahri Road, P.S. Begusarai Town, District-
Begusarai.

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Begusari.
2. Commissioner, Finance Govt. of Bihar, Old Secretariat, Bihar, Patna
3. Commissioner, Water Resources, Minor Irrigation Department, Bihar, Patna.
4. The Deputy Development Commissioner, Begusarai.
5. Block Development Officer, Sahebpur Kamal, District Begusarai.
6. Block Development Officer, Barauni Sub-Division, District- Begusarai.
7. Block Development Officer, Cheriya Bariyarpur Block, District- Begusarai.
8. Incharge Officer, District Rural Development Authority Begusarai.

.... Respondents

Appearance :

For the Petitioner : None

For the Respondents : Mr. Subhash Prasad Singh, GA-3.

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 24-10-2016

The present writ petition has been filed for a direction to the respondents to make payment of the outstanding amount of Rs. 5,95,033/- together with interest from the date of execution of the work till final payment.

2. It transpires from a perusal of the writ petition that the petitioner was awarded the work for fixing of submersible boring in different villages of Sahebpur Kamal, Barauni and Cheriya Bariyarpur Blocks in the district of Begusarai under Minor Irrigation Scheme. The works are said to have been completed in the years 1989-90, 1990-91 and 1991- 1992 but despite several representations, the payment of

the outstanding amount of Rs. 5,95,033/- has not been made to the petitioner. It would further appear that the Block Development Officer had acknowledged the dues at least to the extent of Rs. 1,71,436.20 in his letter no. 333 dated 03.07.1999 (Annexure-4).

3. None appears on behalf of the petitioner despite repeated calls.

4. Learned counsel for the respondents, on the other hand, opposes the claim of the petitioner. He relies on paragraph 19 of the counter affidavit, wherein the fact of having issued the work order to the petitioner for sinking and boring has itself been seriously disputed on the ground that the beneficiaries had themselves represented before the respondents for getting the works done from their own agencies. The claim for payment raised by the petitioner has therefore been disputed as incorrect, baseless and false.

5. Considering the nature of the grievance raised in the writ petition as well as the stand of the respondents, this Court is of the view that the claim for payment would require an adjudication of questions of facts which are in serious dispute and hence cannot be gone into by this Court in exercise of its writ jurisdiction. Moreover, the petitioner appears to be pursuing a stale claim relating to the works said to have been completed more than 15 years prior to filing of the writ petition in the year 2008. A representation said to have been filed before the respondents was also as far back as on 08.01.2000, apart

from a few others which are however undated and do not bear any acknowledgement of receipt (Annexure-7 series).

6. In the above view of the matter, this Court is not inclined to interfere in the matter and the writ petition accordingly stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/BT

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