

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2150 of 2012

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Sanoj Kumar Singh, S/o Sri Bijendra Narayan Singh, Resident of Village- Sirsia,
Police Station- Barhara Kothi, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mr. Pratyay Amrit, son of not known to the petitioner, the Secretary Cum
Commissioner, Road Construction Department, Govt. of Bihar, New
Secretariat, Patna.
3. Mr. Dev Narain Prasad, son of not known to the petitioner, the Chief Engineer,
Road Construction Department, Govt. of Bihar, Patna.
4. Mr. Jodhan Choudhary, son of not known to the petitioner, the Superintending
Engineer, National Highway Division, Purnea.
5. Mr. Shailendra Kumar, son of not known to the petitioner, the Executive
Engineer, National Highway Division, Purnea.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Rajesh Mohan, Advocate.

For the State : Mr. Suman Kumar Jha, AC to AAG-3.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

ORAL JUDGMENT

Date: 23-02-2017

The writ application filed by the petitioner was dismissed, but liberty was granted to the petitioner to submit a representation for settlement of accounts which was required to be considered by passing a speaking order.

In the show cause filed, it is, inter alia, pointed out that representation was not received and that the proceeding under Public Demand Recovery Act has been initiated against the petitioner.

Since the obligation of the parties arises out of an agreement, the aggrieved person has a right to invoke the remedy for settlement of accounts either by way of an arbitration if so provided



in the agreement or through the mechanism of the Civil Court as the case may be, but it cannot be said that the order has not been complied with as the representation, said to have been filed by the petitioner, has not been received by the respondents. Such disputed questions cannot be decided by way of representation and are required to be adjudicated upon.

Accordingly, the Contempt application stands disposed of.

(Hemant Gupta, ACJ)

Mishra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.02.2017
Transmission Date	

