

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No.1246 of 1999**

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Surendra Narain Singh, son of Late Ram Prasad Singh, resident of New  
Yarpur, D.V.C. Road, P.S.-Gardanibagh, District-Patna

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Mr. U.K. Sinha, Commissioner, Road Construction Department,  
Government of Bihar, Nirman Bhawan, Bailey Road, Patna
3. Mr. Ram Dayal Singh, Engineer-in-Chief, Road Construction  
Department, Government of Bihar, Nirman Bhawan, Bailey Road,  
Patna
4. Sri. F. Vengraj, Chief Engineer, Road Construction Department,  
Nirman Bhawan, Bailey Road, Patna
5. Sri Ram Sagar Ram, Superintending Engineer, Road Construction  
Department, Central Circle, Chhajubagh, Patna
6. Sri Kishore Ranjan Sinha, Executive Engineer, Road Construction  
Department, Patna, West Division, Near R Block, Patna

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Shankar Dayal Singh, Advocate  
For the Respondent/s : Mr. Vinay Kirti Singh, Sr. Advocate, G.A-2  
Mr. Vijay Kumar Verma, Advocate  
Mr. Akhileshwar Singh, A.C to G.A-2

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**ORAL ORDER**

6      23-05-2017      This contempt application has been filed in the  
  
year 1999 and surprisingly it has been kept pending for all these  
  
years in spite of the fact that the very opening sentence of the  
  
order passed by the Writ Court on 20<sup>th</sup> of August, 1997 while  
  
disposing of C.W.J.C. No. 4245 of 1997 reads as under:-

*“As the writ petition relates  
to money claim arising out of contract/agreement, I  
am not inclined to pass any positive order in favour  
of the petitioner.”*



In spite of having so observed, the learned Writ Court passed the order and directed that the admitted claim should be settled. Now series of show cause, reply and rejoinder have been filed and there are various disputes between the parties with regard to the payment of the amount in question.

That being so, this dispute can not be looked into by this Court in this contempt petition, particularly when it arises out of execution of a contract agreement between the parties and this Court while dealing with the matter on 20<sup>th</sup> of August, 1997 was itself of the view that the writ petition for the same is not maintainable.

That being so, in case, the petitioner has any grievance still subsisting with regard to the manner in which the case has been dealt with, the petitioner shall have liberty to take recourse of such remedy as may be permissible in law for recovery of the amount from the respondents.

The matter stands disposed of.

Even though, learned counsel for the petitioner during course of the hearing vehemently argued with regard to certain recommendations made by some officers indicating that there are certain admitted claims and the same can be paid, but the State Government having made a statement that the admitted



claims have been settled and has not accepted the recommendation, now merely based on the recommendations, in this contempt proceeding, the claim cannot be adjudicated. The petitioner should take recourse to the remedy available for realizing of the claim in accordance with law.

With the said liberty, this application is disposed of.

**(Rajendra Menon, CJ)**

Shageer/-

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