

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.122 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 4579 of 2013

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Sunita Singh, W/o Lt. Col. Nawal Kishore Singh, At Present R/o 3/1 Old Camp
Army Service Cove (North) Paharpur, P.S. - Gaya, Distt - Gaya, Permanent R/o
House No. 899, Road No. 7d, Magadh Colony, P.O. - Chandauli, P.S. - A.N.
Magadh Medical College, Gaya, Distt. - Gaya

.... Petitioner/s

Versus

1. The Union of India Through Mr. Radha Krishna Mathur The Secretary, Ministry
of Defence, New Delhi
2. The State of Bihar through Mr. Chandan Kumar The Principal Secretary,
Department of Arts, Culture & Youth, Govt. of Bihar, Patna
3. Mr. A.K. Mallik, The Joint Secretary, Department of Art Culture & Youth, Govt.
of Bihar, Patna
4. Mr. Lt. Gen A. Chakrovarty, The Director General , NCC Directorate (Bihar and
Jharkhand) Patna
5. Mr. Brigadier Ratan Kumar, The Joint Director General, NCC Directorate (Bihar
and Jharkhand) Patna
6. Mr. Lt. Col. Abhijit Mukherjee Lt. Col. Commanding Officer, 27, Bihar, B.N.
N.C.C. , A.P. Colony , Gaya
7. Mr. Bikram Prasad, The Executive Engineer Building Construction Department
Building Division, Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Singh, Sr. Advocate
Mr. Ravi Kumar Singh, Advocate
Mr. Kumar Nikes, Advocate

For the Respondent/s : Mr. Sanjay Kumar, A.S.G.
Mr. Manoj Kumar Singh, C.G.C.

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date: 26-04-2017

The writ petition was disposed of in the following manner:-

“Claim of the petitioner arises from a purely contractual agreement between a landlord and a tenant. Petitioner now claims compensation for damages caused to the building on account of fire while it was in occupation of the respondents as a tenant.

This claim cannot be adjudicated in a writ jurisdiction. Petitioner has a remedy to file an appropriate suit before a court of competent jurisdiction to get the quantum of compensation decided.

It goes without saying that, if the respondents have made some assessment of damages and have agreed to pay the same to the petitioner, they should pay it without waiting for any adjudication by any competent court in respect of any disputed claim of the petitioner.”

Now, even though certain officers of the State Government, namely, the Executive Engineer of the Building Construction Department has assessed the damage at Rs. 18,52,300/- which has been rejected by the Department of Finance, as is evident from Annexure-A dated 22.08.2013, the claim in question becomes a disputed claim and in the backdrop of the order passed, as detailed hereinabove, it is not a fit case where any action for contempt is



taken.

The Contempt Petition is, therefore, dismissed. Liberty shall be available to the petitioner to take recourse to the remedy as already granted by the Writ Court in the order reproduced hereinabove.

(Rajendra Menon, CJ)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	28.04.2017
Transmission Date	

