

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 9942 of 2014

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M/s Gyan Roshni N.G.O., through its Secretary Kiran Singh Wife of Sri Bidhan Chandra Singh Registered office at Mohalla Khaja Sarai Laheria Sarai, 197, H.I.G. Housing Colony, P.O. Laheria Sarai District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Rural Development Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Rural Development Department, Govt. of Bihar, Patna.
3. The District Magistrate, Darbhanga at Laheria Sarai Dist. - Darbhanga.
4. The Deputy Development Commissioner, District Rural Development Agency, Darbhanga, District - Darbhanga.
5. Block Development Officer, Bahadurpur Block, District - Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Durga Nand Jha, Advocate
For the State : Mr. Rajiv Roy, G.P.-1
Mr. Arun Kumar, AC to G.P.-1

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 20-01-2017

Heard learned counsel for the parties.

The writ application was filed by the petitioner seeking payment to the tune of Rs. 22,88,500/- but later on the same was restricted to Rs. 18,03,400/-.

In view of the nature of the controversy, the Court by order dated 13.12.2016, being of the view that the petitioner should be given one opportunity to explain and justify his demand had directed him to appear before the Respondent No. 4, along with a copy of the order within two weeks. However, in the supplementary counter affidavit filed on behalf of the Respondents No. 3 to 5 today, there is categorical assertion that the petitioner did not comply



with the said order and has not appeared before the authorities. The Court had given indulgence and opportunity to the petitioner so that he would have an occasion to satisfy the authorities by producing evidence that the money claimed by him is legally due and admissible. The fact that the petitioner has chosen not to comply with the said requirement even till 18.1.2017, though he was required to do so within two weeks from 13.12.2016, the Court is not inclined to show any further indulgence. Moreover, the matter relates to claim of payment and the authorities have disputed such claim. Thus, it becomes a pure question of fact to be adjudicated on the basis of evidence to be adduced before an appropriate forum in accordance with law as a money claim.

In view of the aforesaid, in the considered opinion of the Court, no relief can be granted to the petitioner in the present proceeding.

Accordingly the present writ application stands disposed off. However, the petitioner shall be at liberty to agitate the matter before the appropriate forum in accordance with law.

(Ahsanuddin Amanullah, J.)

S.Pandey/-

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