

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6572 of 2013

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Ashok Kumar @ Ashok Kumar Yadav, Sri Ambika Yadav Sole Proprietor, A.R. Software, A Sole Proprietorship Firm, Saketpuri Near Bazar Samiti, P.S.- Rajendra Nagar, Patna- 800016.

.... Petitioner

Versus

1. The State Of Bihar, through Department of Land Reforms Govt. of Bihar, Patna.
2. The District Magistrate, Khagaria.
3. The Deputy Development Commissioner, Khagaria.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Adv.
For the Respondent/s : Mr. Ajay Bihari Sinha, G.A.-8
Mr. Neeraj Raj, A.C. to G.A.-8

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 12-01-2017

Heard learned counsel for the petitioner and learned
counsel for the State.

2. In the present case, basically the petitioner has raised a grievance that the amount of Rs.4.5 lakhs has been given to one Manoj Kumar Singh, who was associated to the petitioner.

3. The petitioner is the proprietor of A.R. Software was engaged for the Data Entry work. After completion of the work, the petitioner placed his bill for the payment of the same. When no payment was made, the petitioner approached this Court in C.W.J.C.



No.994 of 2011 and the said writ application was disposed of on 04.02.011 with a direction to the petitioner to file a representation before the competent authority and competent authority shall decide the same within two months and if any, dues is admitted, it should be paid to the petitioner within one month thereafter. It has further been observed that if the claim of the dues and interest is disputed by the respondent, the said authority shall pass an appropriate order within the same period, which the petitioner, if he so likes, may challenges before the appropriate Forum.

4. In pursuance thereof, the petitioner authorized one Manoj Kumar Singh to receive the amount. The District Magistrate released the fund of Rs.4.5 lakhs to said Manoj Kumar Singh for and on behalf of the present petitioner. But, the complaint has been made that said Manoj Kumar Singh has not handed over the said amount to the petitioner and that is the main cause for the litigation.

5. Learned counsel for the petitioner during argument has taken plea that he is not arguing the matter on the point of releasing the amount of admitted dues as the petitioner has already taken recourse of law for realizing the amount from Manoj Kumar Singh, but he has confined his argument on the point that if any outstanding is lying in favour of the petitioner, then the same should be released



in favour of the petitioner. In support of his submission, learned counsel for the petitioner has relied on paragraph No.13 of the counter affidavit.

6. In such view of the matter, the petitioner is directed to file a detailed representation before the authority concerned, giving details of amount due what he is entitled to. If such a representation is filed, the competent authority shall consider the same and take appropriate decision in accordance with law.

7. This Court makes it very clear that this order is not related to the amount of Rs.4.5 lakhs, but this order is confined only to left out amount which has been claimed by the petitioner during oral submission.

8. With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	20.01.2017
Transmission Date	

