

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.353 of 2013

IN

Civil Writ Jurisdiction Case No. 11150 of 2012

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1. Jai Hanuman Tent & Light House, Madhepura through its present proprietor and son of the then proprietor late Ram Pratap Sah namely Bijay Kumar Gupta, s/o Late Ram Pratap Sah, resident of Ward No.23, Opposite Meghraj Petrol Pump, Station Road Madhepura, P.S.- Madhepura, District-Madhepura.
 2. Koshi General Decorator through its present proprietor and son of then proprietor late Ram Pratap Sah namely Bijay Kumar Gupta S/o late Ram Pratap Sah, resident of Ward No.23, Opposite Meghraj Petrol Pump, Station Road Madhepura, P.S. Madhepura, District-Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mr. Rameshwar Singh, the Principal Secretary, Department of Finance, Government of Bihar, Patna.
3. Mr. D. K. Srivastava, the Director, Department of Tourism, Government of Bihar, Patna.
4. Mr. Miswah Bari, the District Magistrate, Saharsa at Saharsa, District-Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Respondent/s : Mr. S. K. Sharma, AC to AAG-3

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 07-04-2017

Writ petition was disposed of directing the respondents to consider the claim of the petitioner and settle his bills by admitting the admitted claims.

From the counter affidavit filed by the respondents, they indicate that they have calculated the amount and the admitted amounts were tendered to the petitioner's father. Now, the petitioner is disputing the same and on hearing learned counsel for the parties, it seems that there is serious dispute between them with regard to



settlement of claim. That being so, in the backdrop of the aforesaid serious dispute, it is not appropriate to initiate action for contempt as liberty is always available to the petitioner to get the claim adjudicated and decided in accordance with law. The learned Writ Court only have directed for payment of amount which is not disputed and which is admissible and once the respondents say that they have settled the admissible claim, it is not appropriate for this Court to initiate action for contempt by going into the merits of the dispute and adjudicating the disputed claim. This is not within the jurisdiction of this Court in these contempt proceedings and, therefore, without taking any action against the respondents, they are discharged and liberty is granted to the petitioner to raise the claim in accordance with law in case he has any dispute still subsisting after the settlement of the claim as alleged by the respondents.

(Rajendra Menon, CJ)

Sunil/-

AFR/NAFR	N. A. F. R.
CAV DATE	N. A.
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