

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.484 of 2017

IN

Civil Writ Jurisdiction Case No. 12141 of 2015

=====

Munna Kumar Son of Shiv Bachan Prasad proprietor of Mazdoor Press, Mohalla-Kachari Road, P.S.-Town Thana, District-Saran.

.... Appellant/s

Versus

1. The State of Bihar
2. The District Magistrate-cum-Election Officer, Saran
3. The District Deputy Election Officer, Saran
4. The In-charge Officer, District Goods Bill, Saran

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Nagendra Prasad Yadav No-1

For the Respondent/s : Mr. PRABHAT KUMAR VERMA- AAG3

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 15-09-2017

Seeking exception to an order dated 16.02.2017 passed by the Writ Court in C.W.J.C. No. 12141 of 2015, this appeal has been filed under Clause-10 of the Letters Patent.

During the Lok Sabha and Vidhan Sabha election held in the year 2014 and 2015, the appellant was given an order by the District Election Officer for supply of certain goods. It is the case of the appellant that the job work assigned to the appellant was carried out for which an advance of Rs. 16,65,214/- was given but the total amount of work done by the appellant came to Rs. 23,79,971/- and



therefore, seeking payment of Rs. 7,14,754/- the writ petition in question was filed.

The Writ Court went into various aspects of the matter and found that the Deputy Election Officer, Saran at Chapra had constituted a three member committee to assess the claim of the appellant and on assessing the claim, it was found that all the payments have been made to the appellant. The Writ Court found that with regard to the dispute in question, a petition under section 226 of the Constitution is not a proper remedy and granting liberty to the appellant to take recourse to the remedy as available under law, disposed of the writ petition and in doing so, we are of the considered view that learned Writ Court has not committed any error, warranting reconsideration.

With the aforesaid, the appeal stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19/09/2017
Transmission Date	NA

