

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1041 of 2017**

M/s Vinod Kumar Mishra, Through :- Director - Vinod Kumar Mishra,
S/o Shri R. N. Mishra Aged About 45 Years Resident Of Balajhapar,
Jashpur Nagar, P. S. Kotwali, District - Jashpur, Chhattisgarh

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through : Chief Secretary, Mahanadi Bhawan,
New Mantralay, Raipur , Chhattisgarh
2. The Engineer-In-Chief, Water Resource Department, District- Raipur,
Chhattisgarh
3. The Chief Engineer, Hasdeo Kachhar, Water Resource Department,
District- Ambikapur, Chhattisgarh
4. The Superintending Engineer, Shyam Barnai Project Circle,
Ambikapur, District - Surguja, Chhattisgarh
5. The Executive Engineer, Water Resource Circle, Balrampur, District -
Balrampur- Ramanujganj , Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. Sunil Tripathi, Advocate
For State	:	Mr. R.K. Mishra, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****01/05/2017**

Heard.

1. The petitioner, who is presently executing certain works under the contract with the respondents/State, has filed this petition seeking direction to respondents authorities to take definite steps towards inspection, scrutiny of the work, execute revised project proposed in the department by appropriate correction, modification, alteration in drawing, designing and lay out and that further direction to implement the direction of Superintending Engineer issued on 29.10.2016 in the matter of dispute between the parties. The petitioner has also prayed for compensation for mental, physical, financial and social stigma suffered by the petitioner.

2. After hearing learned counsel for the petitioner, I am afraid, the nature of the relief sought in this petition cannot be granted by this Court. The petitioner and respondents are party to works contract. The petitioner is alleging that the respondents are not acting in accordance with the agreement of the contract. If that is the case of the petitioner and the petitioner claims some monetary damages, compensation for alleged breach of contract, the petitioner's remedy lies in seeking damages, compensation in appropriate Forum and not in the writ Court because it all involves disputed question of facts and that too only towards enforcement of contractual rights and obligation. The petition is, therefore, dismissed. However, leaving the petitioner to work out remedy as may be available to him under the law.

Sd/-

(Manindra Mohan Shrivastava)

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