

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23444 of 2013

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1. Digvijay Paswan Son Of Sri Jagdish Paswan Resident Of Village- Suhi, P.S.- Kutumba And Distt.- Aurangabad
 2. Sanju Devi Wife Of Sri Santosh Kumar Resident Of Village- Deo Tola Sarenga, P.S.- Deo And Distt.- Aurangabad
 3. Kiran Devi Wife Of Sri Ram Janam Yadav Resident Of Village- Gamhara, P.S.- Jamhor And Distt.- Aurangabad
 4. Suresh Prasad Yadav Son Of Sri Basudeo Yadav Resident Of Pakadi, P.S.- Goh And Distt.- Aurangabad
 5. Gaya Prajapati Son Of Saudagar Prajapati Resident Of Village- Banchar Khurd, P.S.- Rafiganj And Distt.- Aurangabad

.... Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Deptt. Of Rural Development, Patna (Bihar)
2. The Deputy Development Commissioner, Aurangabad
3. The District Magistrate, Aurangabad
 - a. 4. The Programme Officer, Block Kutumba Distt.- Aurangabad
4. The Programme Officer, Deo, Rafiganj, Baroon, Goh, Distt.- Aurangabad
5. The Chairman, Zila Parishad Distt.- Aurangabad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Verma, Adv.

For the Respondent/s : Mr. S.A. Alam, SC-3

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 29-10-2018

This writ petition has been filed by the petitioners for issuance of a direction to the respondent authorities to make payment for the work done by them under different schemes of the Zila Parishad in the year 2007-08 onwards with statutory interest.

2. The case of the petitioners is that they being members of Zila Parishad in the year 2007-08 had executed work under Scheme Nos. 376/07-08, 375/07-08, 374/07-08, 105/08-09, 106/08-09, 93/08-



09, 229/08-09, 231/08-09, 233/08-09, 235/08-09, 229/08-09, 212/07-08, 206/07-08, 02/08-09, 012/08-09, 243/07-08, 244/07-08 and 240/07-08, but the due amount has not been paid by the respondents inspite of several representations and reminders sent to them.

3. A counter affidavit has been filed on behalf of the State in which it has been contended that the District Magistrate, Aurangabad constituted an enquiry team headed by the Director, National Employment Programme, DRDA, Aurangabad for verification/inspection of the concerned schemes and as per the direction of the District Magistrate, verification/inspection by the members of the enquiry team was conducted and it was found that the work of all the schemes were started in the year 2007-08 and 2008-09 under an agreement executed by the petitioners but the terms and conditions laid down in the agreement paper were not followed and most of the schemes were left by them in an incomplete condition though it was their responsibility to complete the work within the stipulated time. It is further stated that due to non-completion of the work under the schemes, government money has been misused/misappropriated by the petitioners and the general public of the concerned villages have been deprived of the benefits of the aforesaid schemes for which the petitioners are mainly responsible.

4. No rejoinder to the counter affidavit has been filed on



behalf of the petitioners.

5. Learned counsel for the petitioners submitted that at least a direction be made to the respondents to release the amount to the extent work was done by the petitioners under the various schemes.

6. Per contra, learned counsel for the State submitted that since disputed facts are involved in the present case, no direction should be given by this Court at least under writ jurisdiction.

7. Having heard the parties, regard being had to the fact that the writ petition has been filed for a direction to the respondents to make payment for the contractual work, which has been disputed by the respondents and the petitioners, I am not inclined to entertain the present writ petition.

8. Accordingly, the writ petition is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	01-11-2018
Transmission Date	

