

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22726 of 2013

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Md. Shafiullah Son Of Late Adbur Rahman, resident of Mohalla Raxaul Tola
Islampur, War No 08, P.S- Town Raxaul, District East Champaran

.... Petitioner

Versus

1. The State of Bihar through its Director Panchayati Raj, New Secretariat, Bihar,
Panta
2. The Chief Executive Officer, Municipality Distt- East Champaran

.... Respondents

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Appearance :

For the Petitioner/s : MD. Shahnawaz Ali, Advocate
For the State : Mr. Kumar Kamal Nayan, AC to SC-28.
For the Respondent/s : Mr. Devi Das Srivastava, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 10-01-2018

This writ petition has been filed for a direction to the respondent Chief Executive Officer, Nagar Parishad, Raxaul to refund the amount with interest deposited by the petitioner for construction of shop.

2. Learned counsel for the petitioner submitted that a sum of Rs.26,000/- was deposited by the petitioner for construction of a shop by the Nagar Parishad, Raxaul in two instalments on 14.06.1996 and 02.07.1996. He submitted that since then neither the shop has been constructed nor possession has been given nor the amount deposited by the petitioner has been refunded. He submitted



that the petitioner is entitled to receive payment of the deposited amount with interest at the rate of 12 per cent per annum.

3. On the other hand, learned counsel appearing for Nagar Parishad, Raxaul submitted that there was no advertisement for construction of shop by the Nagar Parishad, Raxaul. Even without any advertisement, if the petitioner has deposited any amount with Nagar Parishad, he has done it at his own risk and the Nagar Parishad cannot be held liable either for refunding the amount or paying interest over it. He also submitted that the prayer made in the present writ petition is in the nature of money claim, which has been raised after seventeen years and thus the same is fit to be dismissed on the ground of delay and laches.

4. In reply, learned counsel for the petitioner submitted that though there was an advertisement on the notice board of Nagar Parishad at the relevant time pursuant to which the petitioner had deposited the amount for construction of shop, but as the petitioner does not have a copy of the same, it could not be brought on record.

5. I have heard learned counsel for the parties and perused the record.

6. I find substance in the submissions made by the learned counsel for the respondent. The petitioner has approached this Court for refund of amount, which according to him was deposited in the



year 1996. The relief prayed for by the petitioner is in the nature of money claim for which even filing of a suit is barred. The petitioner has not brought on record any document to show that the amount was deposited for construction of shop pursuant to an advertisement made by Nagar Parishad.

7. In the opinion of this Court, the writ petition deserves to be dismissed and is dismissed on the ground of delay and laches alone.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
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