

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.377 of 2018

IN

Civil Writ Jurisdiction Case No. 1816 of 2018

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Samadhaan Seva Samiti, having its office 1-D/206 G.D. Mishra Path, Near Dr. Reeta Dayal, behind Rajkishori Apartment, New Patliputra Colony, P.S.-Rajeev Nagar, District-Patna, through its Secretary Atul Shrestha son of late Murari Mohan Prasad, Resident of Diwan Mohalla, Tarni Prasad Lane, Patna City, P.S.-Khajekala, District-Patna-800008.

.... Appellant/s

Versus

1. The State of Bihar, through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Special Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Director, Urban Development and Housing Department, Government of Bihar, Patna.
4. The Addl. Secretary-cum-Director, Urban Development and Housing Department, Government of Bihar, Patna.
5. The Joint Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
6. The Regional Chief, Patna Regional Office, HUDCO
7. The District Magistrate, Patna.
8. The Executive Officer, Phulwarisharif Nagar Parishad, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjeev Nikesh

For the Respondent/s : Mr. YOGENDRA PRASAD SINHA- AAG7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 12-04-2018

Challenge in the present Letters Patent Appeal is to the judgment dated 23.02.2018 passed by the learned Writ Court in Civil Writ Jurisdiction Case No.1816 of 2018 by which the Writ Court has refused to entertain the writ application for a direction to the respondents to make payment of the admitted amount of contract bill



of Rs.42,89,532.12/-.

2. Learned counsel for the writ petitioner-appellant submits that the learned Writ Court is not justified in rejecting the writ application when the claim in question is not disputed.

3. On perusal of the writ application as well as impugned judgment of the learned Writ Court, we find that the petitioner, who is claiming himself a registered society, claims that it was engaged for conducting BPL survey work for different Nagar Parishad and for preparing DPR under the IHSDP and UIDSSMT project for Barh Nagar Parishad as well as it was engaged in BSUP project, who is said to be a dream project of the State Government. Case of the petitioner is that some payments were made to the petitioner against the bills in the financial year 2010-11, but payments were made by the Department on the basis of schedule of rate prescribed by the State Government for financial year 2008-09.

4. To us, it appears that the writ application relates to a pure and simple money claim and the contention of the petitioner as to the applicability of the rate on which the petitioner is required to be paid could not have been gone into by the learned Writ Court sitting in its extra-ordinary jurisdiction under Article 226 of the Constitution of India. The writ application has been rightly dismissed in the facts of the present case.



5. We do not find any merit in the appeal. The same, is accordingly, dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	NAFR
CAV DATE	N/A
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