

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2367 of 2018

- Girja Shankar Dubey, S/o Late Bisahu Prasad Dubey, Aged About 42 Years, R/o Village Kalkasa, Post Malighori, Tehsil Dondilohara, District Balod, Chhattisgarh. Civil and Revenue District Raipur

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Urban and General Administration Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
2. Director, Urban and Administration Department, Indrawati Bhawan, New Raipur, District Raipur, Chhattisgarh
3. Deputy Director, Urban and Administration Department, Indrawati Bhawan, New Raipur, District Raipur, Chhattisgarh
4. Collector, Balod, District Balod, Chhattisgarh
5. Nagar Panchayat Dondilohara, Through Chief Municipal Officer, Nagar Panchayat Dondilohara, District Balod Chhattisgarh

---- Respondent

And

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3. Deputy Director, Urban and Administration Department, Indrawati Bhawan New Raipur, District Raipur, Chhattisgarh
4. Collector, Balod, District Balod, Chhattisgarh

5. Nagar Panchayat Dondilohara Through Chief Municipal Officer,
Nagar Panchayat, Dondilohara, District Balod, Chhattisgarh

---- Respondents

For Petitioner	Ms. Hamida Siddiqui, Advocate
For Respondent-State	Shri Rajendra Tripathi, PL

Hon'ble Justice Mr. Prashant Kumar Mishra

Order On Board

04/09/2018

1. Petitioner has preferred the writ petitions for payment of the amount for which he has constructed the work awarded by the Nagar Panchayat, Dondilohara.
2. The Collector, Balod has rejected the petitioner's representation by the impugned order. The nature of claim raised by the petitioner has its basis on plea of breach of contract. In such matters, the writ petition is not maintainable, as has been held by the Supreme Court in the matter of **Orissa Agro Industries Corporation Ltd. and others vs Bharati Industries and others**, reported in **AIR 2006 SC 198**.
3. In the case at hand also, there is dispute between the parties concerning the extent of work carried out by the petitioner and his entitlement for the amount, as claimed by him. Since disputed questions of facts are required to be adjudicated for deciding the petitioner's claim, the writ petition is not the appropriate remedy.
4. Here, it would be appropriate to mention that similar writ petition

filed by the petitioner bearing WPC No.2673/2017 has been dismissed on the ground of maintainability, against which the petitioner's Writ Appeal No.534/2017 has already been dismissed, though for a different work under the same Nagar Panchayat.

5. The present writ petitions are also dismissed as not maintainable.

Sd/-
Prashant Kumar Mishra
Judge

Nirala