

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14807 of 2013

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Md. Saub Khan S/O Md. Late Saki Khan Resident Of Village Kalana, P.S-
Guruwa, District- Gaya.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The Collector Cum District Magistrate, Gaya.
4. The Deputy Development Officer, Gaya.
5. The Sub- Divisional Officer, Sherghati, Gaya.
6. The Block Development Officer, Guruwa, Gaya.
7. The Executive Engineer, N.R.E.T. Gaya.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Singh
For the Respondent/s : Mr.Vinay Kriti Singh

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date : 02-01-2019

Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner, in the present case, is seeking a writ of
mandamus directing the respondents to pay a sum of Rs. 96,000.00
with interest thereon in connection with the contract work namely
construction of road from Kolona Pahari to Kolona High Surface
Road Part II in the scheme No. 6/96-97 under Guruwa Block of
Gaya District.

It is the case of the petitioner that he had completed the
total work and in terms of the sanction he was entitled to get a sum
of Rs. 2,67,177.00. After measurement, a sum of Rs. 2,46,239.00
was allegedly found payable to the petitioner.



It is submitted that the petitioner was thereafter paid a sum of Rs. 1,62,111.00 and the remaining amount of approximately Rs. 96,000.00 was withheld by the then Block Development Officer, Guruwa, Gaya.

Learned counsel for the petitioner submits that the petitioner was making repeated representations before the District Magistrate, Gaya for getting such payments but despite the letter written by the District Magistrate, Gaya to the Director, D.R.D.A. Gaya and then after a recommendation was made for payment, no payment was made to the petitioner as yet.

Learned counsel representing the State submits that the present writ application is not fit to be entertained as it is for pure and simple money claim. It is submitted that on perusal of the writ application it would appear that the contract in question relates to the period 1996-97, and, according to the petitioner, he was entitled to get the amount in the year 1999 itself. It is submitted that this writ application has been filed after about 14 years since the year 1999.

Learned counsel submits that remedies under the common law has become barred by limitation for the petitioner, by filing this writ application, the petitioner is only trying to raise a



stale claim. It is submitted that the writ application may be dismissed on this ground alone.

Having heard learned counsel for the petitioner and learned counsel representing the State and on perusal of the records, this court finds that the contention of learned counsel representing the State has got much force. The contract in question was entered into in the year 1996-97 and even Annexure-3, which is a letter said to have been written by the Director, Accounts Administration and Self-Employment, District Rural Development Authority, Gaya to the District Officer, Gaya, is dated 29th September, 2001. It appears that there had been certain issues with regard to the payment. This writ application has been preferred in the year 2013 i.e. after delay of almost 14 years and at this stage this court is not willing to entertain the writ application under Article 226 of the Constitution of India for pure and simple money claim.

This writ application has, thus, no merit. It is dismissed, accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

AFR/NAFR	
CAV DATE	
Uploading Date	03.01.2019
Transmission Date	

