

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.376 of 2018

In

Civil Writ Jurisdiction Case No.1809 of 2018

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 Shreshtha, 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, Pat
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, Danapur Nizamat Ngar Parishad, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Raj Kumar Rajesh, Adv. Mr. Girish Chandra, Adv.
For the Respondent/s	:	Mr. Shankar Kumar, Adv.
For respondent No.8	:	Mr. Ajatshatru, Adv.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 16-05-2019

The contention raised in this appeal is that the amount claimed by the appellant being an admitted amount, the



grievance of the appellant deserves to be redressed. Reliance has been placed by the learned counsel on the judgment of the Apex Court in the case of M/s Surya Constructions Vs. The State of Uttar Pradesh & Ors., decided on 8th of March, 2019. where the Apex Court has held that a writ petition where the amount is admitted can be entertained.

In the instant case, the petition has been dismissed on the ground that it is a stale claim.

For this, learned counsel for the appellant has relied on the Division Bench Judgement in Civil Review No. 146 of 2018 arising out of L.P.A. No. 377 of 2018 dated 16.01.2019 to contend that a similar clause in the agreement as involved herein was taken into consideration and it was made open to the party to approach the Principal Secretary, Urban Development and Housing Department, Government of Bihar, who may proceed to dispose of the said claim of the contractor.

We find that the said judgment has been rendered in a case filed by the present appellant in respect of a different contract, but where the same Clause 13 was in consideration.

We have heard learned counsel for the Danapur Nizamat Nagar Parishad as well as the learned counsel for the State of Bihar and we, therefore, dispose of this appeal



modifying the impugned judgement dated 23rd of February, 2018 with a direction to the Principal Secretary, Urban Development and Housing Department, respondent No.1, to consider the grievance of the appellant and pass an appropriate order in accordance with law as expeditiously as possible.

The appeal is disposed of with the said observations.

We make it clear that we have not entered into the merits of the claim which shall be considered by the concerned authority in accordance with law.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.05.2019
Transmission Date	N/A

