

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No.4617 of 2019

Electricals Palace Through The Proprietor Bajrang Agrawal, S/o Ram Niwas Agrawal, Aged About 46 Years, R/o Maa Durga Ward, High School Road, Bagicha, District Jashpur Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department of Urban Administration, Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur Chhattisgarh.
2. The Joint Director, Department of Urban Administration, Division Ambikapur District Sarguja Chhattisgarh.
3. Mr. Praveen Kumar Upadhyay, 50 Years, Chief Municipal Officer, Nagar Panchayat Bagicha, District Jashpur Chhattisgarh.
4. Mr. Mahendra Kumar Paikra, 52 Years, Sub-Engineer, Nagar Panchayat, Ramanujganj, District Balrampur Ramanujganj Chhattisgarh.

---Respondents

For Petitioner	:	Shri Ashok Shukla, Advocate.
For State	:	Shri Ashutosh Mishra, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17.12.2019

1. The claim of the petitioner in the present writ petition is for a direction to the respondents to release the amount of Rs.5,67,535/- to the petitioner against the supply that the petitioner has made.
2. Present is the second round of litigation. The earlier round of litigation was WPC No.2119 of 2019 which got disposed of on 06.08.2019. While disposing of the said writ petition, this court had directed the State to decide the representation of the petitioner so far as his claim for money against the supply. The respondents have now passed the impugned order dated 04.09.2019 whereby they have rejected the claim of the petitioner. The reason assigned by the respondents while rejecting the claim is that, the Bills raised by the petitioner does not seem to be genuine and they have doubted the Bills.

3. This view of the respondents in rejecting the claim of the petitioner itself shows that there is a disputed question of fact involved in the matter. The adjudication of the disputed facts can only be done after evidence of either parties are recorded in respect of the same, which would not be permissible in a writ jurisdiction of this court under Article 226 of the Constitution of India. Hence, the appropriate remedy that is available to the petitioner is to approach the concerned Civil Court.
4. Accordingly, the writ petition stands dismissed as not maintainable, reserving the right of the petitioner to avail other remedies open and available to him in accordance with law.

Sd/-
(P. Sam Koshy)
Judge

inder