

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.120 of 2019

In
Civil Writ Jurisdiction Case No.12853 of 2016

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Shankar Kishor Chaudhary Shri Inderdeo Chaudhary Resident of Village-
Jadhua, Barai Tola, Ward No-38, Post Office- Railway Station Hajipur, Police
Station- Industrial Area Hajipur, District- Vaishali, State- Bihar.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Agriculture Department, State of Bihar, Patna Patna.
3. The Agriculture, Production Commissioner, State of Bihar, Patna. Patna.
4. The Director, Horticulture-Cum- Mission Director, Bihar, Patna. Patna
5. The Nodal Officer, Horticulture, Mission, Bihar, Patna Patna
6. The Assistant Director, Horticulture, Sheikhpura, Bihar. Bihar
7. The District Horticulture Officer, Sheikhpura, Bihar. Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Chandra Shekher Prasad, Advocate Mr. Pancham Lal Jaiswal, Advocate
For the Respondent/s	:	Mr. Awanish Nandan Sinha, GP 21 Mr. Jai Prakash Sharma, AC to GP 21

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 24-08-2021

I.A. No.1 of 2019

This interlocutory application has been filed for
condonation of delay of 14 days in filing the present appeal.



Having heard learned Counsel for the parties, we are satisfied that the delay has been sufficiently explained. The delay condonation application is allowed. The appeal shall be treated to be within time.

L.P.A. No.120 of 2019

This appeal is directed against the order dated 03.12.2018, passed in C.W.J.C. No. 12853 of 2016, titled as Shankar Kishor Chaudhary Vs. The State of Bihar & Ors. by a learned Single Bench of this Court whereby the writ petition has been disposed of with liberty.

Impugned order, in toto, is reproduced as under:

“In view of the counter affidavit filed by the respondents, a disputed question of fact has arisen as to whether the petitioner had supplied two metric tons of seeds or 30 metric tons of seeds, resultantly a dispute regarding payment to be made to the petitioner has also arisen.

The respondents have filed a counter affidavit denying the claim of the petitioner and the claim of the petitioner has also been rejected by the Deputy Director (Horticulture), Nawada by an order dated 04.01.2016.

Having considered the rival contentions, this Court is of the opinion that since disputed question of facts are involved in the present case, the petitioner would be well advised to file a recovery suit before the appropriate court of competent civil jurisdiction.

Accordingly, the present writ petition is disposed of with the aforesaid liberty.”

Having perused the same, we do not find any



infirmity/illegality warranting interfere with the same. The dispute inter se the parties arises out of a commercial transaction. Claims, which are monetary in nature and disputed, are sought to be adjudicated in a petition filed under Article 226/227 of the constitution of India.

Learned Single Judge rightly disposed of the petition leaving it open to the writ petitioner to seek appropriate remedy in accordance with law.

As such, finding no merit, the appeal stands disposed of.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS/-

AFR/NAFR	
CAV DATE	
Uploading Date	01.09.2021
Transmission Date	

