

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3234 of 2020

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The State of Bihar through Executive Engineer, Flood Control and Drainage Division, Chapra.

... .. Petitioner/s

Versus

Saroj Kuwar Wife of Late Sachidanand Singh, Resident of Village- Mahuani, P.S. Awatar Nagar, District- Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar (Ac To Aag4)
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

2 21-12-2022 In the instant petition, petitioner has prayed for the following relief:-

“That this writ application on behalf of the petitioner aforesaid is directed for issuance of appropriate writ(s), order(s), direction(s) preferably in the nature of certiorari for setting aside the order/judgement dated 03.10.2019 passed by Jitesh Kumar learned Presiding officer Labour Court Chapra in W.C. Case No. 5/1998 whereby and whereunder petitioner state has been directed to pay the compensation of Rs. 1,20,000/- (rupees one lakh twenty thousand only) along with the Interest @ 12% per annum from the date of accident i.e. 18.06.1998 to the respondent and workman compensation case No. 5/1398 filed by the respondent was allowed.”

Against the impugned order the petitioner has statutory remedy. Without exhausting statutory remedy petitioner has rushed to this Court. Apex Court in the case of **State of Jammu and Kashmir vs. R.K.Zalpuri & Ors**



reported in **AIR 2016 Supreme Court 3006**. In para 20, it is held as under:-

“20. Having stated thus, it is useful to refer to a passage from City and Industrial Development Corporation vs. Dosu Aardeshir Bhiwandiwalla and Others, wherein this Court while dwelling upon jurisdiction under Article 226 of the Constitution, has expressed thus:- “The Court while exercising its jurisdiction under Article 226 is duty bound to consider whether:

(a) adjudication of writ petition involves any complex and disputed questions of facts and whether they can be satisfactorily re-solved;

(b) the petition reveals all material facts;

(c) the petitioner has any alternative or effective remedy for the resolution of the dispute;

(d) person invoking the jurisdiction is guilty of unexplained delay and laches;

(e) ex facie barred by any laws of limitation;

(f) grant of relief is against public policy or barred by any valid law and host of other factors.”

Underlined supplied

In the light of principle laid down by the Apex Court
aforementioned judgment the present petition is pre-mature.

Accordingly, writ petition stands dismissed reserving
liberty to invoke appropriate statutory remedy.

(P. B. Bajanthri, J)

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