

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7288 of 2021

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Surendra Prasad Singh Son of Late Mehi Lal Singh Resident of C-C-34, P.C. Colony, Kankarbagh, Police Station-Kankarbagh, District-Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Managing Director, Bihar State Housing Board, Govt. of Bihar. Patna.
2. The Managing Director, BNihar State Housing Board, Govt. of Bihar Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kumar Vikram, Advocate
For the Respondent/s : Mr.Lalit Kishore (A.G.)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 06-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

(a) For directing the respondent's authorities, especially respondent no.2, the Managing Director, Bihar State Housing Board to immediately release petitioner's admissible due amounting Rs. 32 lakh with 18% interest from the due date of payment i.e. from the date 27.11.2002 or in other words from the date on which assigned work was stopped/left by the petitioner, due to non-payment of his heavy dues by the Housing Board, on pretext of paucity of fund, as stated by the Housing Board at that time. Petitioner was entitled for the total payment of his work done.

b. For directing the respondents' authorities,

especially respondent no.2 the Managing Director, Bihar State Housing Board to immediately pay petitioner's admissible due amount of Rs. 32 Lakh with 18% interest, from the due date of payment i.e. from 27/11/2002 or in other words from the date on which assigned work was stopped / left by the petitioner, due to non-payment of his heavy dues by the Housing Board on the pretext of paucity of fund, as stated by the Housing Board at that time. Petitioner was entitled for the total payment of his work done.

c. For directing the respondents' authorities, especially respondent no. 2, the Managing Director, Bihar State Housing Board to go through the 'Measurement Book no. 288 (pages nos. 35, 36, 55 & 70)' which was opened and maintained by the Bihar State Housing Board 'itself' for the payment to the petitioner for his total work done and pay him his already calculated and mentioned due amount immediately along with 18% interest from the date, the said amount was to be paid to the petitioner.

d. For directing the respondents' authorities, especially respondent no. 2, the Managing Director, Bihar State Housing Board to go through the 'Measurement Book no. 288 (pages nos. 35, 36, 55 & 70)' which was opened and maintained by the Bihar State Housing Board 'itself' for the payment to the petitioner for his work done and pay him, his mentioned due amount immediately along with 18% interest from the date the said amount was to be paid to the petitioner within reasonable time or the time given by this Hon'ble Court.

e. For any other relief/reliefs for which petitioner is entitled during the course of arguments under law

as well as on facts.”

Petitioner has filed this writ petition for a direction to the authority concerned for payment of Rs. 32 Lacs with interest from due date of payment i.e. 27.11.2002. Petitioner has approached this Court after more than 18 years from the date, the claim of petitioner became due. Petitioner cannot file money suit for realization of claimed amount as same has become time barred.

Petitioner has approached this Court after inordinate delay for which, no sufficient reasons has been furnished, as such, present writ petition is dismissed on the ground of delay and laches.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	