

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5244 of 2022

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Bamesh Kumar Son of Dawarika Singh Resident of Village - Bandeli Biggah,
P.S. - Prasadi English, District- Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Govt. of Bihar, Patna.
2. The Chief Election Officer, Bihar.
3. The District Magistrate, Arwal.
4. The Deputy Development Commissioner, Arwal.
5. The Treasury Officer, Arwal.
6. The Block Development Officer, Arwal.
7. Deputy Election Officer, Arwal.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sudhir Singh, Advocate
For the Respondent/s	:	Mr. Sunil Kumar Mandal, SC-3
		Mr. Bipin Kumar, AC to SC-3

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-11-2022

Petitioner has prayed for the following relief(s):-

“i. For issuance of a writ in the nature of mandamus directing and commanding to the respondents to make payment of amount of Rs. 30.80333 (rupees) with regard to work done by the petitioner in the light of Letter No.-562 dated 25.09.20 issued by Assistant Election Registration Officer - cum- Block Development Officer, Arwal.

ii. For issuance of a writ in the nature of mandamus directing and commanding the respondents to make payment of due amount



with regard to work done by the petitioner in the light of Letter No.- 608 dated 11.10.20 issued by Assistant Election Registration Officer – cum - Block Development, Officer, Arwal.

iii. For any other relief or reliefs for which the petitioner is found entitled in the facts and circumstances of the case.”

Having heard learned counsel for the parties, we are of the considered view that the petitioner’s prayer for issuance of mandamus directing the respondents to pay the amount for the work executed by the petitioner cannot be acceded to. It is the petitioner’s claim that under instructions he executed the work and as such is entitled to an amount of Rs.37,80,333/-. However, from the response filed by the State it is apparent that the work was executed through a committee constituted in terms of order dated 13th of January, 2022 (Annexure-B, Page-33 to the counter affidavit dated 28.09.2022) and the said committee found that “the requisition amount reported by BDO, Arwal is fictitious, inflated and flying in the face of actual expenditures incurred.....”.

Also, an explanation has been called for from the concerned officer. Further, it is averred that petitioner is not entitled to any amount despite the admitted position that a sum of Rs. 7,27,200/- stood released in his favour. The matter is being further investigated into and, as such, petitioner is not



entitled to any amount.

In this view of the matter, this Court under Article 226 of the Constitution of India cannot issue any directions when there is no admission, much less unequivocal in nature, of any amount due and payable to the petitioner. Disputed questions of fact cannot be gone into in these proceedings.

Hence, the present petition is disposed of, reserving liberty to the petitioner to take recourse to such remedies as are otherwise available, in accordance with law.

Interlocutory application, if any, stands disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Avinash/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	03.11.2022
Transmission Date	

