

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9732 of 2021

Byahut Enterprises through its Proprietor- Pawan Kumar Male, Aged about 23 Years, S/o Binod Prasad Resident of Village- Pakhan, P.S. Marhowrah, District-Saran, Bihar Principal Office at Sakri Jalalpur, Sanrha, Saran at Chapra.

... .. Petitioner

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar.
2. The District Magistrate, Saran, Bihar.
3. Mr. Manoj Kumar Agarwal the Block Development Officer, Marhowrah Block, Saran, Bihar.

... .. Respondents

Appearance :

For the Petitioners : Mr. Sumit Shekhar Pandey
For the Respondents : Mr. Nadim Seraj GP-5

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

2 15-02-2022 This matter has been taken up for hearing online because of *COVID-19* pandemic restrictions.

2. The petitioner is seeking a direction to the respondent Authorities to pay to him a sum of Rs. 83,08,218.68/- which, according to him, is payable by the respondents on account of expenses incurred by the petitioner for execution of the work assigned to him during the Bihar Legislative Assembly Elections held in 2020. The petitioner is, at the same time, seeking quashing of letter Nos. 132 dated



27.01.2021, 383 dated 15.03.2021 and 343 dated 04.03.2021 whereby he has been asked to refund a part of the sum given to him as advance for execution of the said work(s).

3. From another letter dated 27.01.2021 (Annexure-4) written by the Block Development Officer, Marhowrah, Saran addressed to the petitioner, it appears that the petitioner has been asked to deposit a sum of Rs. 20 lakhs out of the advance money of Rs. 44 lakhs paid to him. It is specifically mentioned in the letter that excessive demand was being raised by the petitioner by submitting bills, and some of the vouchers were totally incorrect. Similarly, through letters dated 04.03.2021 and 15.03.2021, petitioner has been asked to refund certain amount out of the money advanced to him.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner had to spend a huge sum of money based on the orders passed by the respondent No.3, namely, Mr. Manoj Kumar Agarwal, the then Block Development Officer of Marhowrah Block, Saran. He submits that since the amount, which the petitioner has claimed, is admitted, this Court in exercise of writ jurisdiction under Article 226 of the Constitution of India, should direct the respondents to pay the same to the petitioner.



5. In our opinion, the relief, which the petitioner is seeking, in the present writ application is totally misconceived for the reason that the amount is not admitted. There is serious dispute in respect of the petitioner's claim of the amount in question as is evident from the communications dated 27.01.2021, 15.03.2021 and 04.03.2021 which have also been put to challenge in the present writ application.

6. In our considered opinion, the petitioner has raised a money claim, which has been disputed by the respondents. Further, there being disputed questions of facts, this writ application cannot be entertained and is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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