

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 12586 of 2021

=====

Tarun Kumar, Son of Laxmi Devi, resident of Village-Madhopur, P.S. Kotwali, District Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Divisional Commissioner, Munger Division, Munger.
4. The District Magistrate, Munger.
5. The Municipal Commissioner, Munger Nagar Nigam, Munger.
6. The Chief Municipal Councilor, Munger Nagar Nigam, Munger.
7. The Deputy Municipal Commissioner, Munger Nagar Nigam, Munger.
8. The Executive Engineer, BUIDCO, Munger.
9. The Assistant Engineer, Munger Nagar Nigam, Munger.
10. The Junior Engineer, Munger Nagar Nigam, Munger.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr Sanjeev Nikesh, Advocate
For the S t a t e	:	Mr Ravish Chandra, AC to SC VI
For the Corporation	:	Mr Anjani Kumar, Sr Advocate with Mr Amit Kumar Jha, Advocate

=====

CORAM: HONOURABLE MR JUSTICE CHAKRADHARI SHARAN SINGH
and
HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE CHAKRADHARI SHARAN SINGH)

Date : 12-05-2022

Heard learned counsel for the petitioner and the respondents.

2 The petitioner claims to be the proprietor of a Construction Company who was issued a work order for



construction of four-walls enclosing a dump yard (compost) at Churamba by the Munger Municipal Corporation (for brevity, *the Corporation*). The part of the agreement has been brought on record by way of Annexure P/7 to the writ application. The petitioner has, admittedly, failed to execute the work within time in terms of the said agreement. The petitioner, in the present writ application, has put to challenge a letter dated 10.12.2020 issued by the Municipal Commissioner whereby he has been asked to start the construction work in terms of the said agreement, within one week. This writ application has been filed more than seven months after issuance of the said letter dated 10.12.2020 whereby the petitioner was simply asked to start the work within one week, failing which action would be initiated for cancellation of the agreement. It is the petitioner's case that because of laches on the part of the respondents in not demarcating the land and providing map to the petitioner and due to public nuisance that the work could not be completed within the time stipulated under the agreement.

3 Be that as it may, considering the fact that the petitioner has put to challenge a notice dated 10.12.2020 whereby he has been asked to start work within a period of one week for construction of the four-walls, we are not inclined to entertain this



writ application as the dispute arises out of a contractual agreement between the petitioner and the Corporation. The Court is of the prima facie view that in order to avoid the consequences of the communication dated 10.12.2020, seven months after issuance of the said letter, this writ application has been filed which filing of the writ application does not appear to be bona fide.

4 This writ application, in our opinion, is without any merit and is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.05.2022
Transmission Date	NA

