

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10524 of 2020

Samridhi Mahila Kalyan Samiti, Bhagalpur, PS- Tatarpur, Dist.- Bhagalpur through its Secretary Indra Devi, female, aged about 47 years, wife of Sri Nand Lal Prasad, resident of Urdu Bazar Rikabganj, PS- Tatarpur, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development Department, Government of Bihar, Patna.
3. Bhagalpur Municipal Corporation, Bhagalpur through the Municipal Secretary, Bhagalpur Municipal Corporation, Bhagalpur.
4. The Municipal Commissioner, Bhagalpur Municipal Corporation, Bhagalpur.
5. The Additional Municipal Commissioner, Bhagalpur Municipal Corporation, Bhagalpur
6. The Municipal Secretary, Bhagalpur Municipal Corporation, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vaidehi Raman Prasad Singh
For the Respondent/s	:	Mr. Yogendra Prasad Sinha, AAG-7
		Mr. Rajeev Kumar Sinha, AC to AAG-7

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 30-11-2022

In the instant petition, petitioner has prayed for the following relief(s):-

“a) For grant of an appropriate writ for quashing the order of the Municipal Commissioner, Municipal Corporation, Bhagalpur issued under Memo No. 5701/ Bha Na Ni dated 31/1/22016 holding that it was not proper to make any payment to the petitioner and to recover the amount given to the petitioner by way of advance partially/ fully (Annexure 4).



b) For grant of an appropriate writ for a direction to the respondents to pay to the petitioner its outstanding bill amounting to Rs. 1536000 for giving Vocational Training to persons below poverty line (BPL) along with interest thereon for the period the bills of the petitioner remained unpaid after completion of vocational Training..”

Perusal of the records it is evident that there is a dispute among the petitioner and the 4th respondent.

Disputed issues cannot be agitated in a writ proceedings. The petitioner has a remedy before appropriate forum if there is any violation of contract/ agreement entered by the petitioner and respondents. Apex Court in the case of ***Shalini Shyam Shetty and Another vs. Rajendra Shankar Patil, (2010) 8 SCC 329***, under what circumstances writ petition is not maintainable. Present petition is covered by the aforementioned decision.

Accordingly, the present petition stands disposed of reserving liberty to the petitioner to invoke appropriate remedy.

(P. B. Bajanthri, J)

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

