

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.237 of 2021

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Shiv Shankar Pathak Son of Jay Bhadar Pathak Resident of Mohalla- PHED Colony, Pump House Ke Pechhe Mohanpur, Punai Chak, Police Station- Shastri Nagar, Patna-23, at present- Ramdhani Apartment, Flat No. 304, Saguna More, Behind of Omega School, Police Station- Danapur, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Public Health Engineer Department, Govt. of Bihar, Patna.
2. The Chief Engineer (Mechanical) Public Health Engineer Department, Govt. of Bihar, Patna.
3. The Executive Engineer Public Health Engineer Department, Govt. of Bihar, Patna.
4. The Managing Director Bihar Urban Infrastructure Development Corporation Limited, Patna.
5. The Superintendent Engineer Bihar State Water Board, Anchal No.1, Rajapur, Patna.
6. The Executive Engineer Bihar State Water Board, Work Division Ganga Bhawan, Kankarbagh, Patna.
7. The Executive Engineer (Mechanical) South Bihar (Work Division) BUDCO, Malahi Pakri Chowk, Kankarbagh, Patna-20.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Jha, Advocate
For the Respondent/s	:	Mr. Arvind Ujjwal, SC 4
		Mr. Rabindra Kumar Priyadarshi, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 13-05-2022

Heard learned counsel for the respective parties through virtual court proceedings.

2. In the instant petition, petitioner has prayed for the following relief/reliefs:



“That present writ application is being filed for issuance of appropriate writ or writs, direction or directions, order or orders commanding the competent authority (Respondents) to return the penal rent of Rs. 85845/- and Rs. - 21009/- with interest and rent illegally taken and admittedly kept for payment of the petitioner but not paid till date, that too with interest.”

3. The aforesaid relief is not supported by material information like representation/application read with statutory right established before the concerned official respondent.

4. In the absence of establishing statutory right followed by demand before the authority, the present petition is not maintainable in the light of Apex Court decision in the case of ***Mani Subrat Jain V. State of Haryana*** reported in ***(1977) 1 SCC 486*** read with ***Union Of India & Anr vs Arulmozhi Iniarasu & Ors*** reported in ***(2011) 7 SCC 397***.

5. Accordingly, the present petition stands disposed off. Reserving liberty to the petitioner to approach the concerned authority within a period of two months from the date of receipt of this order. If such representation is submitted, the concerned authority is hereby directed to examine the petitioner's grievance with reference to material information and proceed to pass



speaking order and communicate the same to the petitioner within
a reasonable period of time.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	16.05.2022
Transmission Date	

