

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17294 of 2021

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Prem Kumar Singh, S/o Late Om Prakash Singh, Resident of Village-Gyanchak, P.O. Kothia, P.s. Deedarganj, District-Patna, Proprietor of M/S Radha Swami Agency situated at Murga Pharm Nehru Tola, Murcha Road, Patna City, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Bihar, Patna.
2. The Civil Surgeon-cum-Chief Medical Officer, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Advocate
For the Respondent/s : Mr. Mujtabaul Haque (GP-12)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 25-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“(A) To direct the respondents to pay the admitted dues of Rs. 33,43,100/- (Rs. Thirty Three Lakhs Forty Three Thousand one hundred only) to the petitioner for the medicine supply by the petitioner in the month of October 2007 itself.

(B) Consequently to direct the respondent authorities to pay 18 percent interest upon the said admitted dues amount of Rs. 33,43,100/- from November 2007 till the date of the aforementioned amount to the petitioner which has been illegally and

arbitrary withheld by the Respondents since November 2007.

(C) Any other order or directions which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

Petitioner has filed this writ petition for a direction to the authority concerned for payment of Rs.33,43,100/- amount due for supply of medicine made by him to the department in the year 2007.

Petitioner can not file any money suit/claim for realization of due amount as claimed before any civil court of competent jurisdiction as the claim has become time barred

Petitioner has approached this Court after inordinate delay of 14 years for which, no sufficient reasons has been furnished, as such, present writ petition is dismissed on the ground of delay and laches.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	