

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14517 of 2022

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Sukhdeo Kumar son of Suresh Prasad, Resident of Mohalla- Ashok Nagar,
Road No. 8B, P.S. Kankarbag, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Municipal Commissioner, Patna Municipal Corporation, Patna.
4. The Executive Officer, Kankarbag Circle, Patna Municipal Corporation, Patna.
5. The Executive Engineer, Kankarbag Division, Patna Municipal Corporation, Patna.
6. The Assistant Engineer, Kankarbag Division, Patna Municipal Corporation, Patna.
7. The Junior Engineer, Kankarbag Division, Patna Municipal Corporation, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr.Kaushal Kishore, Advocate
For the Respondent-State:		Mr.Yogendra Prasad Sinha, AAG-7
For the PMC	:	Mr. Prasoon Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

Date : 20-10-2022

In the present writ petition, the petitioner has made
the following prayers:

“(I) For issuance of an appropriate writ
in the nature of Mandamus, commanding



and directing the Respondent Authorities for payment of an admitted sum of Rs.8,10,477/- (Rs.3,34,080 + 3,09,915 + 1,66,482 Rs.1,23,35,085/-) to the petitioner for which bills have already been raised by the petitioner on 20.06.2021 and submitted it before the Respondent No.4 after doing the work which was duly countersigned and approved by the Respondent Nos.5, 6 and 7 for its payment.

(II) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the Respondent Authorities to pay the aforesaid amount with statutory as also the pendentelite interest as the petitioner had invested the huge amount for completing the work after raising it from the open market and for which the petitioner is bound to pay the interest for the money borrowed by it.

(III) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.”

2. The contention of the petitioner is that as per verbal order of the Executive Officer of the Patna Municipal Corporation, the petitioner has completed the job and



submitted his bill along with purchase vouchers amounting to Rs.3,34,880/- in the office of the Executive Officer, Kankarbag Circle, Patna Municipal Corporation.

3. The further contention of the petitioner is that in spite of having completed the work on the verbal order, the payment of bill is not being made by the respondents.

4. Learned counsel for the Patna Municipal Corporation submitted that no work order was ever issued in favour of the petitioner. The admitted case of the petitioner as would appear from the legal notice sent by him as contained in Annexure-D-7 is that he had completed some work on the verbal order of the Executive Engineer. He submitted that the claim of the petitioner is disputed and such disputed claim cannot be entertained in the writ petition.

5. We find force in the submission of learned counsel for the Patna Municipal Corporation.

6. In view of the several disputed questions of fact raised in the present writ petition which would be required to be proved by leading evidence, we are not inclined to entertain the present writ petition. It is dismissed, accordingly.

7. However, if so advised, the petitioner would be at liberty to seek the reliefs prayed for in the present application by



way of filing a proper suit before the Civil Court of competent jurisdiction.

(Sanjay Karol, CJ)

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.10.2022
Transmission Date	NA

