

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22072 of 2019

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Kaushal Kumar @ Kaushal Kishore Sharma, son of Surendra Sharma,
resident of Mohalla - Viveka Nand Nagar, P.S.- Obra, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The District Transport officer, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Yugal Kishore, Advocate
For the Respondent/s	:	Mr.Md.N.H.Khan (SC1)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-08-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

That the writ application on behalf of the petitioner above named is for issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondents to make payment of arrear of the dues of Rs. 35,795/- of the petitioner's vehicle Sumo Victa bearing registration no.- BR-26F- 1915, which has been acquired/seized for 2019 Parliamentary election by the respondent no.- 3 on direction of the respondent no.- 2 and the same vehicle has been used for election purpose from 15/03/2019 and has been released on 22/05/2019 and as such the vehicle has been used by the respondents for 69 days and the vehicle run 6530 K.m. during election work and as per government rule the respondents are duty bound to pay Rs. 1000/-

per day for use of the vehicle and as per running of the vehicle the respondents have to give 653 liter diesel for the same but the respondents have paid 36,400 for the vehicle used and also paid only price of 610 liter diesel and as such the respondents are duty bound to pay Rs. 32,600 for use of the vehicle in election work and also to pay for 43 liter diesel at the rate of Rs. 71/ i.e. RS. 3195 and as such total arrear of dues comes to Rs. 35,795/ only, which the respondents have not paid as yet without any reasonable cause and/or pass any other order/ orders, direction/ directions for which the petitioner is legally found entitled in the fact and circumstances of the case.

After the matter was heard for some time, finding the Court not to be in favour with the submissions made across the Bar, learned counsel for the petitioner, more so in view of the disputed question of fact, fairly states that petitioner be permitted to take recourse to such equally, efficacious alternative remedies as are available in accordance with law.

Permission granted.

Petition stands disposed of in the aforesaid terms.

We clarify that we have not adjudicated the dispute on merits. All questions of fact and law are left open to be

agitated and adjudicated before the appropriate forum in appropriate proceedings.

Petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
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