

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7292 of 2023

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Bipin Kumar Singh S/o Ram Jatan Singh Resident of Vill- Nauwadih,
Khalpura Bala, Gultenganj, Distt- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary General Administration Department, Bihar, Patna.
2. The Principal Secretary, General Administration Department, Bihar, Patna.
3. The Commissioner, Saran Division, Saran at Chapra.
4. The District Magistrate, Saran at Chapra.
5. The Block Development Officer, Sadar Chapra, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Prasad Yadav No.1, Advocate.

For the Respondent/s : Mr. Sheo Shankar Prasad, SC-8.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

2 14-09-2023 Heard the parties.

2. The present writ petition has been filed for the following reliefs:-

“For Quashing and setting aside the demand letter no.909 dated 26.06.2021 issued under the seal and signature of Respondent no.5 thereby directing the Petitioner to deposit a sum of Rs. 400000/- (Four Lakhs) in the Block Nazareth which had been advanced to him as Advance payment towards his work done and goods supplied during the 2014 General Election and State Legislative Bye Election 2014. For further issuance of appropriate writ(s)/ order/direction(s)



commanding upon the Respondents to immediately release the Petitioner's Bill amount of Rs. 17,93,510/- (Seventeen Lakhs Ninety Three thousand Five Hundred and Ten) only against his total Bill of Rs. 21,93,510/- (Twenty One Lakh Ninety Three Thousand Five Hundred and Ten) only (i.e after deducting advance of Rs. 4,00,000) submitted before the Respondents for supply of various items during the said Election periods. For also direction upon the Respondents to pay the arrears of Bill with statutory interest @18% with cost to the Petitioner which has been kept pending since long. For also restraining the Respondents from resorting to any coercive steps against the petitioner for the said illegal demand letter till the final outcome of this writ petition."

3. Learned counsel appearing on behalf of the petitioner has stated that in spite of completing the work and submitting the bills, the respondents have not paid the amounts due to the petitioner. Learned counsel has stated that the petitioner has given representations on 01.07.2021 and on 30.07.2021 ventilating his grievance but the authorities have not considered the said representation and paid the amount due to the petitioner. Learned counsel has stated that an amount of approximately more than Rs. 17 Lakhs is due from the respondents. The authorities without paying the amount due to



the petitioner have issued notice dated 26.06.2021 vide letter No. 909 directing the petitioner to return the advance amount of Rs. 4 Lakhs paid to him. Learned counsel has stated that the amounts due to the petitioner are more than Rs. 17 Lakhs and even if the advance amount of Rs. 4 Lakhs is adjusted, the petitioner is still due an amount of approximately more than Rs. 13 Lakhs. Therefore, learned counsel has prayed that a direction may be given to the authorities to dispose off the representation made by the petitioner and the amounts due may be paid.

4. Per contra the learned counsel appearing on behalf of the respondents has stated that the petitioner may make a fresh representation to the District Magistrate and the said authority may be directed to dispose off the representation made by the petitioner and pass suitable orders.

5. Having regard to the above made submissions, without going into the merits or demerits of the case, the present CWJC is disposed off directing the petitioner to make a fresh representation to the Respondent No. 4 i.e. the District Magistrate, Saran at Chapra herein within a period of four weeks from today. On such representation being made, the same shall be considered on its own merits and necessary orders passed.



6. It is needless to mention that before passing any order the petitioner shall be put on notice and given an opportunity of hearing. The entire exercise shall be completed as expeditiously as possible preferably within a period of eight weeks from the date of receipt of the representation made by the petitioner. Any order passed shall be communicated to the party. If the District Magistrate come to the conclusion that the claim of the petitioner merits consideration and amounts are payable, the same shall be paid immediately.

7. With the above direction, the present writ petition stands disposed off.

(A. Abhishek Reddy , J)

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