

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12847 of 2022

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M/S Classic Travelco Through its Proprietor Smt. Snehlata Kumari (Female aged about 37 Years) wife of Sri Rakesh Kumar office at Road No. 10/17 Gardanibag Chakvinda Patna District Patna resident of Main Road Kachhi Dargah, near Hitachi ATM, old NH- 31 Patna 803201.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary to Home Affairs Bihar, Patna.
2. Director General of Police Bihar Patna.
3. Senior Superintendent of Police Patna District Patna.
4. City SP Patna at Patna.
5. Deputy Superintendent of Police Accounts Patna District Patna.
6. Deputy Superintendent of Police Transport Division District Patna.
7. Transport In-charge, Patna Police (MT Section) New Police Line Patna District Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate

For the Respondent/s : Mr Saroj Kumar Sharma, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 16-02-2023 Heard Mr. Diwakar Prasad Singh, learned counsel appearing on behalf of petitioner and Mr. Saroj Kumar Sharma, learned AC to AAG-3, appearing on behalf of the State-respondent.

2. Mr. Saroj Kumar Sharma has filed a hard copy of the counter affidavit on behalf Senior Superintendent of Police,



Patna which is accepted and directed to be kept on record.

3. The petitioner, in the present writ petition, has sought for following reliefs:-

(i) *That for issuance of appropriate writ/order/direction or writ in the nature of certiorari quashing the Memo No. 4363 dated 16.03.2022 (Annexure-) issued under the signature of Senior Superintendent of Police issued without following the Clause-13 to agreement dated 31.03.21 without any opportunity of hearing as such is unsustainable & is illegal & perverse as such liable to set aside.*

(ii) *That for issuance of appropriate writ/order/direction or writ in the nature of mandamus commanding the respondent to immediately release/Handover all 79 vehicles to the petitioner or her representative appointed after making total payment until the day of handing over the physical possession of the vehicle, Further direction may kindly be given to return the vehicle physically in presence of Honest Superior officer since the vehicle is not being returned intentionally despite asking by the person authorized by the petitioner with the intention to damage the petitioner financially due to Vigilance Case No.15/22 (Special Case No.19/22) as such the respondent is not interested to hand over the vehicle which is still running in the police Station.*

(iii) *That for Issuance of appropriate writ/order/direction or writ in the nature of mandamus commanding the respondent that the petitioner is entitled to payment of fare to vehicle until the day of handing over the physical possession of the vehicle to the petitioner.*



(iv) That for issuance of appropriate writ/order/direction or writ in the nature of mandamus commanding the respondent to pay the Pending dues amount for the period 01.04.21 to 23.06.2022 amounting to Rs.1,21,26,205/ for which Bills were submitted before the authority & further pay the remaining dues until the day of handing over the vehicle.

(v) That for issuance of appropriate writ/order/direction or writ in the nature of mandamus commanding the respondent by way of declaration that Implicating to husband of the petitioner in false Case at the Instance of Lessor with whom there is valid Legal Contract with the petitioner was resorted due to retaliation since brother-in-law of the petitioner namely Amarjeet Kumar made Complaint with the Vigilance that Deepak Kumar Clark in the office of Transport Division under the Senior Superintendent of Police demands Rs.8 Lakhs from the petitioner for payment of Pending Bills & upon negotiation he agreed to receive Rs.4,50,000/ Bribe from the brother-in-law of the petitioner as such Sri Deepak Kumar Clark in the office of Transport Division under the Senior Superintendent of Police was trapped & Vigilance Case No.15 of 2022 (Special Case No.19 of 2022) was registered & subsequent to trap the husband of the petitioner was sent in Jail in false Case registered by Sonu Nigam a clerk under the office of senior Superintendent of police. As such apparently there is active connivance & collusion of Senior Superintendent of Police namely Manav Jit Singh Dhillon with the demand of bribe by Sri Deepak Kumar as such direction be given to the respondents not to harass the petitioner, her husband & other family members on the basis of any touts as such a direction be given to the respondent



to act independently

(vi) That for issuance of appropriate writ/order/direction or writ in the nature of mandamus commanding the respondent to provide security from false implication by Senior Superintendent of Police namely Manav Jit Singh Dhillon & Sri Ambrish Rahul working as City SP Patna.

(vii) That responsible be punished for their fraudulent Criminal act & for defeating the solemn process of law & Justice by implicating the Petitioner in False Case to which the petitioner has ample evidence to prove false by whatsapp message, CCTV Footage & Call details to husband of the petitioner as such prayed to call for the, CCTV Footage, whatsapp message & Call details to the husband of the petitioner & Sri Manav Jit Singh Dhillon Senior Superintendent of Police, City SP Sri Ambrish Rahul, & officer-in-charge to Budha Colony police Station & suitable legal action against the responsible be ordered in ends of justice.

(viii) That for grant of any other relief or reliefs to which the petitioner be found entitled in law be granted to them.

4. Learned counsel appearing on behalf of the petitioner submitted that today he has received counter affidavit and from perusal of the counter affidavit from the statement made in Paragraph No. 28, it appears that the claim of the petitioner is worth Rs. 1,21,26,205/- but the same has been disputed by the Superintendent of Police, Patna. Learned



counsel in support of his claim submitted all the bills raised by the petitioner which relates to February month. There is no statement as to whether the bills have been paid to the petitioner or not. Learned counsel further submitted that the petitioner had entered into an agreement vide Annexure-2 and in terms of the agreement the bolero, sumo, traversa, jeep were rented on monthly agreed rent of Rs. 26,500/- with respect to all the vehicles except scorpio vehicle whose rate is @ Rs. 30,000/- per month. The petitioner has further disputed the statement contained in Annexure-A to the counter affidavit relating to the 79 vehicles, which has been rented out by the petitioner. He claims that the payments are required to be paid in terms of agreement. The petitioner further informs this Court that a clerk namely, Deepak Kumar posted in the Office of Transport Division had demanded illegal gratification on behalf of the Superintendent of Police. A vigilance case is pending, against accused persons who for alleged demand made on behalf of Superintendent of Police posted during the said period. For this aforesaid reason petitioner submitted that he may be allowed to approach any authority other than the Superintendent of Police preferably of the Home Police Department for payment of his dues.



5. Learned counsel appearing on behalf of the respondent-State submitted that the respondent by filing the counter affidavit has disputed the bills raised by the petitioner in view of the audit objection conducted for the period, therefore, the claim of the petitioner is not sustainable.

6. Considering the rival submissions of the parties and materials on record. It appears that the dispute relates to payment of agreed amount of rent to the petitioner as against the total dues amount of Rs. 1,21,26,205/-. The petitioner has raised his objection that the Senior Superintendent of Police, Patna is not cooperating him due to criminal case lodged against a clerk in the office of Superintendent of Police for the allegation of bribe. The amount has been disputed in the counter affidavit.

7. Admitted fact is that in terms of the agreement the respondent are bound by the terms and conditions of the agreement. In Clause 4 of the agreement rate has been mentioned. The reason for denying payment is reflected due to enmity.

8. In such circumstances, the petitioner is directed to file a detailed representation along with all the evidences in support of his claim of Rs. 1,21,26,205 on account of providing vehicles in terms of the rental agreement with the police



department for being utilised by the police personnels, before the Additional Chief Secretary, Home Department, Government of Bihar.

9. The Additional Chief Secretary, Home Department, Government of Bihar is directed to verify as to whether the petitioner is entitled for the dues claimed by him and dispose of the representation of the petitioner within a period of three weeks from the date of filing of representation.

10. If the petitioner do not desire to continue with the contract, is required to receive in accordance with law forthwith and the vehicles rented out is required to be returned back to the petitioner.

11. Accordingly, the present writ petition, stands disposed of.

(Purnendu Singh, J)

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