

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12000 of 2016**

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Suresh Prasad S/o late Kamal Prasad R/o Mohalla Rameshwar Nagar Ward 14  
P.S. Bettiah Town Distt West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Panchayat Raj Officer, Bettiah W. Champaran.

... .. Respondent/s

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**Appearance :**

|                      |   |                               |
|----------------------|---|-------------------------------|
| For the Petitioner/s | : | Mr.Dhannjay Kumar No 2        |
| For the Respondent/s | : | Mr.Sc22- Kundan Bahadur Singh |
| For the State        |   | Mr. Satyavrat AC to GP-10     |

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA  
CHAKRAVARTHY**

ORAL ORDER

7      11-07-2024                      The writ petition is filed seeking directions to the respondent Nos. 1 and 2 to make payment to the petitioner as per the rules and regulations.

2. The brief facts of the case is that the petitioner is the owner-cum-driver of the vehicle (Bolero) which was engaged by the 2<sup>nd</sup> respondent, for a monthly sum of Rs. 18,000/-. The 2<sup>nd</sup> respondent used the vehicle from 10.09.2013 to 15.10.2015, later the vehicle was seized on 16.10.2015 by the financier.

3. It is specific contention in the writ petition that the vehicle was used for 75 days and the petitioner has to receive Rs. 90,000/- but the respondent paid only Rs.



23,027/-, therefore, the 2<sup>nd</sup> respondent has to pay a dues of Rs. 66973/-.

4. It is contended by the Learned counsel for the petitioner to direct the respondent to pay the balance amount of Rs. 66973/-.

5. A detailed counter affidavit along with a photocopy of Letter No. 1072 Panchayat, dated 23.12.2016 (Annexure-A) was filed by the respondent Nos. 1 and 2 and further the counters disclose as follows:-

6. The District Panchayat Raj Officer, Bettiah, West Champaran (respondent No. 2) issued a letter to the petitioner that the payment of the vehicle will be made up to 30.11.2015, as per the use of the vehicle vide Annexure-B and accordingly, the vehicle was used from 16.10.2015 to 30.11.2015 for 39 days for which the amount of Rs. 23027/- was paid vide Cheque No. 923888 dated 31.12.2015. There are no payments dues or pending and, therefore, it is prayed to dismiss the writ petition as of devoid of merits. Annexure-C is also filed before the Court to show that an amount of Rs. 23027/- was paid to the petitioner and no rejoinder was filed in this case.

7. Heard the Learned counsel for the petitioner as



well as the Learned counsel for the respondents and perused the records.

8. It is the contention of the Learned counsel for the petitioner that still an amount of Rs. 66973/-has to be paid but Annexure-B clearly discloses that the payment shall be made only for those days when the vehicle was used. Except the counter there is no other document on record to produce that his payment is due for an amount of Rs. 66,973/-. Therefore, it can be contended that the petitioner has already received the amount for his vehicle on the days used by the respondent. No rejoinder is filed to rebut the contents of the counter.

9. In view of the above discussion, the Writ petition is dismissed as it is devoid of merits.

**(G. Anupama Chakravarthy, J)**

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