

19.08.2024
Item No.27
gd/ssd

MAT/1451/2024
NANHE SINGH
VS
STATE OF WEST BENGAL AND ORS.
IA NO: CAN/1/2024

Mr. Dibyendu Chatterjee,
Mr. Pritam Majumdar,
Mr. Mainak Singh Barma
..for the Appellant.

Ms. Jhuma Chakraborty,
Ms. Arpita Mondal Adak
..for the State.

Mr. Shiv Shankar Banerjee,
Mr. Nilarnab Paul
..for the Respondent Nos.4 and 5.

1. This intra court appeal by the unsuccessful writ petitioner is directed against the order dated 09.07.2024 in WPA 25080 of 2023.

2. The writ petition was filed for a direction upon the respondents Municipality to settle the claim made by the appellant/writ petitioner for alleged work done for the Municipality.

3. The learned Single Bench noted the facts and that there were criminal cases registered and, according to the Municipality, fake work orders were produced etc.

4. In any event a money claim cannot be adjudicated in a writ petition when there is a dispute.

5. Therefore, the observations made by the learned Single Bench that the writ petitioner was at liberty to approach the civil court is fully justified.

6. Thus, we find no grounds to interfere with the order passed by the learned Single Bench.

7. Accordingly, the appeal fails and is dismissed.

8. Needless to state that the observations made by the learned Single Bench will not stand in the way of the appellant working out his rights before the competent civil court.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)