

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13146 of 2017

=====

Arun Kumar Singh Son of Late Ganesh Prasad Singh, Resident of Mohalla-Sharda Nagar, Ward No.27, Annapurna Mandir Saharsha, P.S. and District-Saharsha.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Secretary, Election Commission of India, New Delhi.
3. The Commissioner, Koshi Division, Saharsa, P.S. and District- Saharsa.
4. The District Magistrate, Saharsa, P.S. and District- Saharsa.
5. The District Election Officer, Saharsa, P.S. and District- Saharsa.
6. The Block Development Officer, Kahra Saharsa, P.S. and Distt- Saharsa.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Dr. Anjani Pd. Singh, Advocate
For the State	:	Mr. G.P.Ojha, GA7
For the ECI	:	Mr. Siddhartha Prasad, Advocate

=====

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 13-05-2025

1. The Writ petition has been preferred by the petitioner for issuance of direction to the respondents for payment of bill of the petitioner for Tent, Samiana engaged in Lok-Sabha Election of 1999 with penal interest, which is deliberate latches on the part of the respondent Nos. 3 to 5.

2. The key facts derived from the petition are that the petitioner is the proprietor of M/s Devi Annapurna Samiyana Ghar, Saharsa. Pursuant to



an order issued by the Block Development Officer, Kahara, vide letter dated 01.10.1999, the petitioner provided Tripal Samiyana services for the Parliamentary Elections of 1999 at various polling booths.

3. It is submitted by the petitioner in the Writ petition that the petitioner's firm erected Samiyana at Booth Nos. 257, 130, 290, 291, 166, 167, 181, 296, 142, and 143 under the jurisdiction of the Kahara Block Office from 02.10.1999 to 04.10.1999. However, it is claimed by the petitioner that no payment has been made to the petitioner till date, for the services rendered.

4. It is submitted by the Learned counsel for the petitioner that several representations were made to the Block Development Officer, Saharsa, requesting for payment of his dues, on dates including 26.12.2000, 04.02.2001, 10.12.2002, 12.03.2003, 27.03.2003, 18.07.2003, and 20.03.2007. Subsequently, the petitioner also submitted representations before the District Magistrate, Saharsa, including Janta Darbar



sessions on 22.02.2009 and 18.06.2007. It is further submitted that in response, the District Election Office, Saharsa, issued Letter No. 412/Elc. dated 08.05.2010, acknowledging that the petitioner had provided services for the 1999 elections and had been recommended for payment as per law. The letter further directs that the matter be complied with and a report to be submitted to the District Election Office, within 24 hours. However, no payment was made thereafter.

5. It is submitted that the petitioner then approached the District Public Grievance Redressal Office, Saharsa, through Complaint No. 412110102111600338. Both the petitioner and the Block Development Officer, Kahara, appeared in the proceedings. After several hearings, the Public Grievance Officer passed an order dated 11.01.2017 directing the Block Development Officer, Kahara, to make the payment after allocation of funds.

6. It is submitted by the Learned counsel for the petitioner that despite the said directions,



no payment has been made to the petitioner. It is further submitted that in a similarly situated matter (CWJC No. 11986 of 2009), the Hon'ble Patna High Court vide order dated 15.09.2009 directed the respondent authorities to pay simple interest at the rate of 9% for delayed payment. In light of the prolonged delay and non-payment of dues, the petitioner has filed the present writ petition.

7. A detailed counter affidavit has been filed on behalf of the respondents. It is stated therein that the Block Development Officer, Kahara, had issued a work order (Annexure-1) to the petitioner for installing *Tripal Samiyana* at ten booths—Booth Nos. 166, 167, 181, 142, 143, 257, 130, 296, 290, and 291, on the occasion of the Parliamentary Elections in 1999.

8. It is averred in the counter affidavit that the bills of the petitioner were not available in the office of BDO, Kahara and hence the BDO asked the petitioner to submit the original bills. The petitioner initially failed to produce the original



bills, prompting the BDO to request their submission again. Later the petitioner submitted an application dated 14.12.2016, claiming Rs. 1,50,000/- and an undertaking to submit the original bills within one week. He later submitted photocopies of bills for 11 booths, although the work order had been issued only for 10 booths. Nevertheless, the BDO, Kahara, disbursed as amount of Rs. 1,50,000/- to the petitioner.

9. It is further averred that the petitioner submitted bills amounting to Rs. 1,95,701/-, which included charges for one additional booth within the Block premises, not covered under the original work order. Upon review, the BDO, Kahara, issued an office order dated 06.03.2018, noting that an excess amount of Rs. 48,000/- had been paid to the petitioner and directed him to deposit the same. The details of this discrepancy were discussed in the said office order.

10. Learned counsel for the respondents submits that, in light of the above facts and circumstances, the petitioner is not entitled to the



reliefs claimed in the present writ petition.

11. Heard the Learned counsel for the petitioner and the Learned counsel for the State.

12. Upon perusal of the records, particularly Annexure-1 to the writ petition, it appears that the Block Development Officer (BDO), Kahara, had issued a work order for installation of *Samiyana* at 10 booths during the Parliamentary Elections of 1999. Further, from Annexure-B to the counter affidavit, it is evident that payment for the said work relating to 10 booths has already been made to the petitioner.

13. It is also stated in the counter affidavit that the petitioner submitted claims including one additional booth not covered under the original work order, and as a result, an excess payment of Rs. 48,000/- was made. The BDO, Kahara, has accordingly directed the petitioner to deposit the said excess amount.

14. In view of the facts and circumstances stated above, this Court is of the considered opinion that there is no merit in the present writ



petition.

15. Accordingly, the writ petition is dismissed as devoid of merits.

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

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.05.2025
Transmission Date	

