

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9865 of 2017

1. M/s Hotel Raj Palace Munger through its proprietor namely Baljeet Singh
2. Baljeet Singh, Son of Shree Vijay Singh, Resident of Mohallah Purabsarai, Station Road, P.S. Kotwali, District- Munger.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate cum District Election Officer, Munger.
3. The Election Commission of India, New Delhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ambrish Kumar Jha, Advocate
For the Respondent/s	:	Mr.Prashant Pratap-Gp2
For ECI	:	Mr. Siddhartha Prasad, Advocate

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT

Date : 18-02-2025

1. The Writ petition is filed seeking issuance of a direction or a Writ in the nature of Mandamus, directing the respondents to pay outstanding dues amounting to Rs. 1,86,486/- to Hotel Raj Palace Munger, and further to direct the respondents to pay appropriate compundable interest @ of 15% per annum, on the dues that have been remained pending by the respondents since the year 2005. The



case of the Writ petitioner is that the petitioner is a partnership firm, represented by the second petitioner, who is one of the partners of Hotel Raj Palace, which is situated in Munger town. During the Assembly Election of 2005 the respondents decided to hire several hotels, including Hotel Raj Palace, for the accommodation of Para-Military officers deployed for election duty.

2. The 2nd respondent issued Letter No. 1365 dated 19.09.2005 to the Manager of Hotel Raj Palace for hiring four rooms of the hotel. Further, the Election Officer, Munger vide Memo No. 1381 dated 22.09.2005, directed the In-charge Officer to hire additional four rooms for officers stay. Additionally, the 2nd respondent issued Memo No. 1863 dated 21.10.2005 for hiring 30 rooms, in Hotel Raj Palace along with two other hotels, namely Hotel Sitaria and Hotel Namita, for a period of seven days i.e. from



21.10.2005 to 27.10.2005. The 2nd respondent also directed the Manager of the hotel to make the rooms available on the said date for the Para Military officers. In compliance with these orders, the 2nd petitioner reserved 30 rooms from 21.10.2005 to 27.10.2005 for the stay of government officials and as per the instruction of the officers, allotted the hotel rooms. After the Assembly Elections, the petitioner submitted a bill for the room rent amounting to Rs. 2,61,814/- vide reference no. 141/05 dated 28.11.2005, to the 2nd respondent. The respondents paid only Rs. 75,328 on 31.03.2007 through a cheque, while the remaining amount of Rs. 1,86,486/- was pending for payment.

3. Further the contents of the Writ petition disclose that the petitioner addressed letters to the 2nd respondent on 07.09.2009, 28.01.2011 and on 27.06.2017, requesting for payment of the



outstanding dues, but no action was taken. As there is no other alternative remedy available, the petitioner was constrained to prefer the present Writ petition.

4. A detailed counter affidavit was filed by the 2nd respondent, denying all the allegations made in the Writ petition and it was specifically contended that the District Magistrate-cum-District Election Officer, Munger vide Letter No. 1365 dated 19.09.2015, directed the management of Hotel Raj Palace, Munger to reserve three rooms for CRPF and BSF. The respondents also admitted the fact that Hotel Raj Palace submitted a bill of Rs. 2,61,814 to the District Election officer, Munger on 20.11.2005. On 31.03.2007 a payment of Rs. 74,328/- was made to the Writ petitioner vide cheque and a payment of Rs. 27,824/- was made to Hotel Sitaria. The payment which was made vide cheque dated 31.03.2007 was



on the basis of relevant rate of the rooms and therefore, prayed for dismissal of the Writ petition, as amount was paid to the petitioner.

5. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents. Perused the records.

6. On perusal of the record, it is evident that the bill was submitted by the petitioner to the 2nd respondent on 28.11.2005 and subsequently, the respondent paid an amount of Rs. 75,328/- on 31.03.2007. Further, the petitioner has made a representation to the 2nd respondent on 28.01.2011 i.e. after a period of four years requesting for the payment of the balance amount of Rs. 1,86,486/- and again a representation was made on 27.06.2017 i.e. after a gap of six years, requesting payment of the outstanding amount.



7. Admittedly, it is time-barred debt and no reasons are assigned by the petitioner as to why he kept silent for ten long years. The Writ petition is not maintainable for civil dispute and this Court cannot direct the respondents to make payment for a time-barred claim.

8. In view of the above observation, the Writ petition is dismissed as devoid of merits.

9. Interlocutory Application(s), if any, shall also disposed of.

(G. Anupama Chakravarthy, J)

amitkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	07.03.2025
Transmission Date	N/A

