

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.718 of 2024**

**In**  
**Civil Writ Jurisdiction Case No.13387 of 2023**

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1. The State of Bihar through the Principal Secretary, Minor Water Resources Department Government of Bihar, Patna.
  2. The Deputy Secretary to Government, Minor Water Resources Department, Government of Bihar, Patna.
  3. The District Magistrate, Begusarai.
  4. The Deputy Development Commissioner, Begusarai.
  5. The Director, District Rural Development Agency, Begusarai.
  6. The Block Development Officer, Bhagwanpur, Begusarai.

... .. Appellant/s

Versus

Ram Sagar Pathak Son of Shrikant Pathak, Resident of Ward No. 5, Ram Nagar, Bahdarpur, Begusarai, Dhabauli, Bihar - 851129.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. P.K. Shahi, Advocate General  
Mr. Ajit Kumar GA-9

For the Respondent/s : Mr. Nikhil Kumar Agrawal, Advocate

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 07-01-2025**

The State, the appellant is aggrieved with the judgment of the learned Single Judge which directed payment of the admitted dues of the writ petitioner, to the tune of Rs. 5,47,971/- with 7 per cent simple interest per



annum to be calculated from the date of submission of the bill, till the date of actual payment.

2. Mr. P.K. Shahi, learned Advocate General who appeared for the appellant specifically pointed out that there was no admission as such, and in any event, due to the gross delay occasioned the claim could not have been entertained under Article 226 of the Constitution of India. When the amounts claimed were disputed by the respondent necessarily there had to be a suit filed where evidence had to be led and there ought to have been an adjudication of the amounts payable. A suit for recovery of money had to be filed within three years as provided under the Limitation Act and here the claim has been made under Article 226 of the Constitution of India after more than 32 years.

3. The learned Counsel for the writ petitioner, however, pointed out that the amounts were clearly computed in the writ petition and the State had filed a counter affidavit admitting the dues. Even if the delay is reckoned, there should be payment of interest at least from the date on which the claim was raised, is the contention.

4. There is no dispute on the fact that the dues were



with respect to a work which was completed by the writ petitioner on 31.03.1991. The petitioner made the claim on the ground that in two other writ petitions, a similar claim was allowed by a co-ordinate bench. The learned Single Judge, hence found the quantum to be admitted and directed payment of the same along with simple interest from the date on which the bills were submitted.

5. We have looked at paragraph no. 20 of the counter affidavit as pointed out by the petitioner, in which there is a statement made *“that in reply of the statement made in paragraph no. 24 of the writ petition, it is submitted that the respondent authorities is ready to make payment of the admitted dues”*. (sic)

6. This is not an admission as such and in fact reads as a dispute to the quantum as computed by the writ petitioner.

7. We are unable to sustain the judgment of the learned Single Judge either on the finding that the dues are admitted or on the liability to pay such amounts, relating to a claim occasioned from a contract executed three decades back. When the quantum itself cannot be computed, there is



no question of interest being levied. We find absolutely no reason to sustain the judgment and set aside the same.

8. LPA stands allowed.

9. Interlocutory application(s), if any, shall stand disposed of.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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