

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15233 of 2023

Ashok Kumar Son of Sri Rajendra Prasad, resident of Village - Harsingpur Lautan, P.S. - Sakra, Post Office- Muraul, District- Muzaffarpur, Proprietor of M/S Ashok Tent House and the Ashok Enterprises, resident of Village - Harsinghpur, Lautan, P.S. Sakra, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Chief Electoral Officer, Government of Bihar, Sone Bhawan, Patna.
3. The State Election Commission, Bihar Sone Bhawan, Patna.
4. The District Election Officer-cum-the District Collector, Muzaffarpur.
5. The Assistant Electoral Registration Officer-cum-Block Development Officer, Block - Sakra, District - Muzaffarpur.
6. The Principal Secretary, Dept. of General Administration Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dr. Bipin Chandra, Advocate
For the Respondent/s	:	Ms. Divya Verma, AC to AAG 3
For the State Election Commission	:	M/s Girish Pandey Ravi Ranjan, Advocates

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 24-07-2026

1. The petitioner has filed the Writ application for the following reliefs:

“For issuance of an appropriate Writ/Writs in the nature of mandamus directing the respondent concerned for payment of Rs.23,03,893/- against the contractual work done by the petitioner on the request of the respondent No.5, the B.D.O- cum-Block Election Officer,



Sakra, Muzaffarpur.

(ii) For any other relief(s) and interest on the non- payment of the bills of the petitioner with the compensation which the petitioner be found entitled to be granted as he has necessarily been dragged in the instant case."

2. The brief facts culled out of the Writ petition are that the petitioner is engaged in the business of supplying tent house materials, including chairs, tables, fans, generators, sound systems, loudspeakers, labourers and other allied articles for official functions and public events.

3. It is the case of the petitioner that, pursuant to the directions issued by the respondent authorities, particularly the Block Development Officer, Sakra, he supplied tent house materials and rendered allied services on different occasions. Initially, vide Memo No. 1288 dated 16.07.2020, the petitioner was directed to erect and construct check-posts at Markan Chowk and Pipra Chowk, which work was completed within the stipulated time under the supervision of



the Nazir of the Block and the same was duly reported to the concerned authorities.

4. Thereafter, during the Bihar Legislative Assembly Election, 2020, the petitioner was again directed by the respondent authorities to provide tents, sheds, lighting arrangements, generators, fans, sound systems and other necessary materials at various polling stations. The petitioner claims to have completed the entire work before the date of polling and assisted the administration in the distribution of election material, at the booth centres.

5. According to the petitioner, after completion of the aforesaid works, he submitted the bills before the competent authorities for payment. It is stated that although an advance amount of Rs. 8,00,000/- was paid, the total amount payable for the work executed was Rs.31,03,893/-, leaving a balance amount of Rs.23,03,893/- outstanding. Despite repeated requests and representations, the respondents failed to release the balance amount.



6. It is further the case of the petitioner that when he approached the authorities for payment, he was informed that the amount had already been withdrawn by the District Administration by attaching the bills of another tent house. Aggrieved by the non-payment, the petitioner submitted representations before the respondent authorities and thereafter approached the District Public Grievance Redressal Officer, Muzaffarpur. The grievance was disposed of with a recommendation for a district-level enquiry into the matter. The petitioner thereafter preferred an appeal before the Divisional Commissioner, Tirhut Division, Muzaffarpur, who also observed that the matter required enquiry and directed that appropriate orders be passed after receipt of the enquiry report.

7. The grievance of the petitioner is that despite lapse of considerable time, neither the enquiry has been concluded nor has any decision been taken regarding payment of the petitioner's admitted claim. Left with no other efficacious



remedy, the petitioner has approached this Court by filing the present Writ petition.

8. The Learned counsel for the petitioner submits that the petitioner executed the works strictly in accordance with the directions issued by the respondent authorities and completed the assigned work to their satisfaction. It is submitted that the work was carried out under the supervision of the concerned officials and there is no allegation that the petitioner failed to perform his contractual obligations.

9. The Learned counsel for petitioner further submits that after completion of the work, the petitioner submitted all the bills before the competent authorities. Although an advance amount of Rs. 8,00,000/- was released, the balance amount of Rs. 23,03,893/- has remained unpaid without any lawful justification.

10. It is submitted that instead of clearing the legitimate dues of the petitioner, the respondents have kept the matter pending for several years. Even after the petitioner approached



the District Public Grievance Redressal Officer and the Appellate Authority, no final decision has been taken and the respondents continue to withhold payment on one pretext or another.

11. The Learned counsel contends that the petitioner cannot be made to suffer on account of the internal disputes or administrative lapses of the respondent authorities. If the respondents have wrongly processed or disbursed any amount in favour of another agency, the petitioner cannot be deprived of payment for the work admittedly executed by him under the directions of the competent authorities.

12. It is, therefore, submitted that the inaction of the respondents is arbitrary, unreasonable and violative of Article 14 of the Constitution of India and prayed for issuance of an appropriate Writ directing the respondents to verify the petitioner's claim and release the outstanding amount of Rs. 23,03,893/- along with all consequential benefits within a time to be fixed by this Court.



13. A counter affidavit was filed on behalf of the respondent Nos, 4 and 5. The Learned counsel appearing on behalf of respondents submits that the claim raised by the petitioner is not sustainable and the present Writ petition deserves to be dismissed.

14. It is contended that upon receipt of the complaint made by the petitioner, the respondent authorities constituted a Three-Member Enquiry Committee, to examine the claim of the petitioner. The said Committee, after due consideration, found the claim of the petitioner to be false and without any valid basis.

15. The Learned counsel for the respondents further contends that after coming to know about the findings of the Enquiry Committee, the petitioner himself approached the Block Development Officer, Sakra, Muzaffarpur and submitted a Written application expressing his intention to withdraw the present Writ petition. The said fact was communicated by the Block Development Officer to the Additional District



Magistrate (Disaster)-cum-Secretary, District Level Three-Member Enquiry Committee, Muzaffarpur along with the application submitted by the petitioner.

16. It is, therefore, submitted that when the petitioner himself has expressed his intention to withdraw the present proceedings and the enquiry conducted by the competent authority has not supported his claim, no relief can be granted and the present Writ petition is fit to be dismissed.

17. Heard learned counsel for the parties and perused the materials available on record.

18. The petitioner claims that he supplied tent house materials and rendered allied services pursuant to the directions of the respondent authorities and that, after adjustment of the advance amount already paid, a sum of Rs. 23,03,893/- remains outstanding. The respondents, however, have categorically disputed the claim and, in the counter affidavit, have stated



that a Three-Member Enquiry Committee examined the matter and found the petitioner's claim to be not genuine. It has further been stated that the petitioner had submitted an application before the Block Development Officer expressing his intention to withdraw the present Writ petition, whereafter the same was forwarded to the competent authority.

19. The Learned counsel appearing for the petitioner, however, submitted that he has received no instructions from the petitioner with regard to the alleged application seeking withdrawal of the Writ petition. According to him, unless the petitioner specifically instructs his counsel to withdraw the present proceedings before this Court, the alleged application submitted before the Block Development Officer cannot be treated as a withdrawal of the Writ petition. He accordingly prayed that the aforesaid submission advanced on behalf of the respondents be rejected.

20. This Court finds that, irrespective of



the controversy regarding the alleged application for withdrawal of the Writ petition, the principal controversy involved in the present case pertains to the genuineness and admissibility of the petitioner's monetary claim. The respondents have not admitted either the execution of the work to the extent claimed by the petitioner or the amount alleged to be outstanding. On the contrary, the respondents have placed reliance upon the findings of the Three-Member Enquiry Committee, which, according to them, has found the petitioner's claim to be without merit.

21. The rival pleadings, therefore, disclose serious and disputed questions of fact relating to the execution of the work, the extent of the services allegedly rendered, the correctness of the bills submitted by the petitioner, and the entitlement of the petitioner to receive the amount claimed. Such disputed questions cannot appropriately be adjudicated in exercise of the extraordinary Writ jurisdiction under Article 226 of the Constitution of India, particularly when their



determination would require appreciation of evidence and examination of factual issues.

22. So far as the submission of the respondents regarding the petitioner's alleged intention to withdraw the Writ petition is concerned, this Court is of the opinion that the said aspect need not be conclusively adjudicated in the present proceedings. Even if the submission advanced on behalf of the petitioner is accepted that no valid instruction for withdrawal was given to the learned counsel appearing before this Court, the same does not improve the petitioner's case on merits. The Writ petition must ultimately be decided on the basis of the pleadings and the materials available on record. Since the petitioner's claim is seriously disputed by the respondents and has not been accepted by the Enquiry Committee, no Writ, as prayed for, can be issued.

23. In view of the aforesaid discussions, this Court is not inclined to exercise its Writ jurisdiction for grant of the relief sought by the petitioner.



24. Accordingly, finding no merit in the Writ petition, the same is dismissed.

25. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.07.2026
Transmission Date	

