

(2018) 09 CHH CK 0046

Chhattisgarh High Court

Case No: Writ Petition (C) No. 2367, 2369 Of 2018

Girja Shankar Dubey

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision: Sept. 4, 2018

Hon'ble Judges: Prashant Kumar Mishra, J

Bench: Single Bench

Advocate: Hamida Siddiqui, Rajendra Tripathi

Final Decision: Dismissed

Judgement

Prashant Kumar Mishra, J

1. Petitioner has preferred the writ petitions for payment of the amount for which he has constructed the work awarded by the Nagar Panchayat,

Dondilohara.

2. The Collector, Balod has rejected the petitioner's representation by the impugned order. The nature of claim raised by the petitioner has its basis on

plea of breach of contract. In such matters, the writ petition is not maintainable, as has been held by the Supreme Court in the matter of Orissa Agro

Industries Corporation Ltd. and others vs Bharati Industries and others, reported in AIR 2006 SC 198.

3. In the case at hand also, there is dispute between the parties concerning the extent of work carried out by the petitioner and his entitlement for the amount, as claimed by him. Since disputed questions of facts are required to be adjudicated for deciding the petitioner's claim, the writ petition is not the appropriate remedy.

4. Here, it would be appropriate to mention that similar writ petition filed by the petitioner bearing WPC No.2673/2017 has been dismissed on the ground of maintainability, against which the petitioner's Writ Appeal No.534/2017 has already been dismissed, though for a different work under the same Nagar Panchayat.

5. The present writ petitions are also dismissed as not maintainable.