



2026:CGHC:273-DB



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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1534 of 2022

Manish Travels Through - Proprietor Manish Jain, S/o Bhagchand Jain,
Aged About 39 Years, R/o Minimata Chowk, Pulgaon, Durg, District
Durg (Chhattisgarh), District : Durg, Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of
Panchayat, Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur,
District Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

2 - Chief Executive Officer, Zila Panchayat Bijapur, District Bijapur
(Chhattisgarh), District : Bijapur, Chhattisgarh

... Respondent(s)

For Petitioner(s) : Mr. Vinod Kumar Sharma, Advocate

For Respondent(s) : Mr. S.S. Baghel, G.A.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Arvind Kumar Verma, Judge

Order on Board

Per Ramesh Sinha, Chief Justice



05/01/2026

1. Heard Mr. Vinod Kumar Sharma, learned counsel for the petitioner. Also heard Mr. S.S. Baghel, learned Government Advocate, appearing for the State.
2. The present petition has been filed by the petitioner under Article 226 of the Constitution of India, seeking following reliefs:

“10.1 That, this Hon’ble Court may kindly be pleased to direct the respondent no. 2 to release the balance amount of Rs. 16,64,714/- with interest within stipulated period, in the interest of justice.

10.2 Any other relief which may be suitable in the facts and circumstances of the case, may also be granted.”

3. Learned counsel for the petitioner submits that the tender was invited for taking bus under “Hamar Chhattisgarh Yojna” on rent from various travels agencies and the petitioner’s agency was selected. Thereafter the petitioner successfully provided bus service and thereafter, only part payment was paid and for balance of Rs. 16,64,714/- is remaining. The petitioner made representation for balance on 23.11.2019, 05.02.2020, 10.07.2020, 17.10.2020, 02.03.2021 that he is facing financial hardship in Covid-19 season, but with no effect.
4. On the other hand, learned Government Advocate opposes the submissions made by the learned counsel for the petitioner and



submits that the writ petition as framed and filed are not maintainable as the disputed question of facts cannot be adjudicated in writ petition under Article 226 of the Constitution of India.

5. We have learned counsel for the parties, perused the impugned order and other documents appended with writ petitions.
6. It is settled law that the High Court should not exercise its jurisdiction under Article 226 of the Constitution of India when it raises disputed question of facts.
7. The Hon'ble Supreme Court in the case of **Chairman, Grid Corporation of Orissa Ltd. (GRIDCO) & Others v. Sukamani Das (Smt.) & Another, reported in (1999) 7 SCC 298** was dealing with the question of whether the High Court had made an error in entertaining a writ petition filed seeking compensation for the death of a person due to electrocution, which had allegedly been caused due to the negligence of the authorities. The Hon'ble Supreme Court in the said case observed as under:

“6. In our opinion, the High Court committed an error in entertaining the writ petitions even though they were not fit cases for exercising power under Article 226 of the Constitution. The High Court went wrong in proceeding on the basis that as the deaths had taken place because of electrocution as a result of the deceased coming into contact with snapped live



wires of the electric transmission lines of the appellants, that “admittedly/prima facie amounted to negligence on the part of the appellants”. The High Court failed to appreciate that all these cases were actions in tort and negligence was required to be established firstly by the claimants. The mere fact that the wire of the electric transmission line belonging to Appellant 1 had snapped and the deceased had come in contact with it and had died was not by itself sufficient for awarding compensation. It also required to be examined whether the wire had snapped as a result of any negligence of the appellants and under which circumstances the deceased had come in contact with the wire. In view of the specific defences raised by the appellants in each of these cases they deserved an opportunity to prove that proper care and precautions were taken in maintaining the transmission lines and yet the wires had snapped because of circumstances beyond their control or unauthorised intervention of third parties or that the deceased had not died in the manner stated by the petitioners. These questions could not have been decided properly



on the basis of affidavits only. It is the settled legal position that where disputed questions of facts are involved a petition under Article 226 of the Constitution is not a proper remedy. The High Court has not and could not have held that the disputes in these cases were raised for the sake of raising them and that there was no substance therein. The High Court should have directed the writ petitioners to approach the civil court as it was done in OJC No. 5229 of 1995.”

(emphasis supplied)

8. The aforesaid judgment has been relied/ reiterated by the Hon’ble Supreme Court in **S.P.S. Rathore v. State of Haryana & Others**, reported in (2005) 10 SCC 1 wherein it observed as follows:

“16. In *Chairman, Grid Corpn. of Orissa Ltd. (Gridco) v. Sukamani Das* [(1999) 7 SCC 298] the question which arose for consideration was, can the High Court under Article 226 of the Constitution award compensation for death caused due to electrocution on account of negligence, when the liability was emphatically denied on the ground that the death had not occurred as a result of negligence, but because of an act of God or of acts of some other persons. The Court held



that it is the settled legal position that where disputed questions of facts are involved, a petition under Article 226 of the Constitution is not a proper remedy. Therefore, questions as to whether death occurred due to negligence or due to act of God or of some third person could not be decided properly on the basis of affidavits only, but should be decided by the civil court after appreciating the evidence adduced by the parties. In T.N. Electricity Board v. Sumathi [(2000) 4 SCC 543] it was held that when a disputed question of fact arises and there is clear denial of any tortious liability, remedy under Article 226 of the Constitution may not be proper. The Court carved out exception to this general rule by observing that, it should not be understood that in every case of tortious liability, recourse must be had to a suit. When there is negligence on the face of it and infringement of Article 21 is there, it cannot be said that there will be any bar to proceed under Article 226 of the Constitution.”

(emphasis supplied)

9. Similarly, the Hon'ble Supreme Court in Shubhas Jain v.



Rajeshwari Shivam, reported in 2021 SCC OnLine SC 562 has

held as under:

“26. It is well settled that the High Court exercising its extraordinary writ jurisdiction under Article 226 of the Constitution of India, does not adjudicate hotly disputed questions of facts. It is not for the High Court to make a comparative assessment of conflicting technical reports and decide which one is acceptable.”

10. Subsequently, in Union of India vs. Puna Hinda, reported in (2021) 10 SCC 690, the Hon'ble Supreme Court has observed:

“24. Therefore, the dispute could not be raised by way of a writ petition on the disputed questions of fact. Though, the jurisdiction of the High Court is wide but in respect of pure contractual matters in the field of private law, having no statutory flavour, are better adjudicated upon by the forum agreed to by the parties. The dispute as to whether the amount is payable or not and/or how much amount is payable are disputed questions of facts. There is no admission on the part of the appellants to infer that the amount stands crystallised. Therefore, in the absence of any acceptance of joint survey report by the competent authority, no



right would accrue to the writ petitioner only because measurements cannot be undertaken after passage of time. Maybe, the resurvey cannot take place but the measurement books of the work executed from time to time would form a reasonable basis for assessing the amount due and payable to the writ petitioner, but such process could be undertaken only by the agreed forum i.e. arbitration and not by the writ court as it does not have the expertise in respect of measurements or construction of roads.”

11. Recently, the Hon'ble Supreme Court in the case of **M.P. Power Management Co. Ltd. v. Sky Power Southeast Solar India (P) Ltd.**, reported in **(2023) 2 SCC 703**, while dealing with the issue of exercise of writ jurisdiction by a Court in matters arising out of a contract, has stated:

“82.7. The existence of an alternate remedy, is, undoubtedly, a matter to be borne in mind in declining relief in a writ petition in a contractual matter. Again, the question as to whether the writ petitioner must be told off the gates, would depend upon the nature of the claim and relief sought by the petitioner, the questions, which would have to be decided, and, most importantly, whether there are disputed



questions of fact, resolution of which is necessary, as an indispensable prelude to the grant of the relief sought. Undoubtedly, while there is no prohibition, in the writ court even deciding disputed questions of fact, particularly when the dispute surrounds demystifying of documents only, the Court may relegate the party to the remedy by way of a civil suit.”

(emphasis supplied)

12. A reading of the aforesaid judgments makes it clear that it is well settled proposition of law that when there are disputed question of facts involved in a case, the High Court should not exercise its jurisdiction under Article 226 of the Constitution of India. It has been held that the remedy under Article 226 of the Constitution of India may not be proper.
13. In the present cases, the relief of compensations sought by the petitioner is contingent upon the resolution of the disputed question of facts raised, and these questions cannot be adjudicated under Article 226 of the Constitution of India. In view of the aforesaid, it would not be appropriate for this Court to entertain the present writ petitions as there are disputed questions of fact involved.
14. Considering the submissions advanced by learned counsel for the parties, further considering the disputed questions of fact involved in this writ petition, the reliefs sought by the petitioner and in view



of law laid down by the Hon'ble Supreme Court in the above-stated judgments (supra), we do not find any good ground to entertain these writ petitions.

15. Accordingly, the present writ petitions being devoid of merit are liable to be and are hereby **dismissed**. However, liberty is reserved in favour of the petitioner to take recourse to other alternate remedies available to him under the law. No cost(s).

Sd/-

(Arvind Kumar Verma)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice

Madhurima