



2026:CGHC:16530-DB



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPC No. 1656 of 2026**

Govind Agrawal S/o B.L.Agrawal, Aged About 58 Years R/o Azad Chowk Shankar Ward Bhatapara, District Baloda Bazar-Bhatapara 493118 (C.G.)

... Petitioner(s)**versus**

1. State of Chhattisgarh Through The Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (C.G.)
2. Engineer In Chief, Public Works Department, Nirman Bhawan, Nawa Raipur Atal Nagar, District Raipur (C.G.)
3. Chief Engineer (E And M) Public Works Department, Raipur Zone, Sirpur Bhawan, Raipur (C.G.)
4. Superintending Engineer (E And M) Raipur Circle, Sirpur Bhawan, Raipur (C.G.)
5. Executive Engineer (E And M) Public Works Department, Division Raipur, District Raipur (C.G.)

...Respondent(s)

(Cause-title taken from Case Information System)



For Petitioner	:	Mr. Tushar Dhar Diwan, Advocate.
For Respondent/State	:	Mr. Praveen Das, Additional Advocate General.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

10.04.2026

1. Heard Mr. Tushar Dhar Diwan, learned counsel for the petitioner. Also heard Mr. Praveen Das, learned Additional Advocate General, 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 call the entire records pertaining to case of petitioner, from the respondents.

10.2 That, this Hon’ble Court may kindly be pleased to issue writ of mandamus directing the respondent No.5 to release the amount of Rs. 4,82,158/- along with interest from the date the bill became due, for electrical work completed at a Government High School in Baloda Bazar, Chhattisgarh completed on 16.03.2024.

10.3 To kindly grant any other relief which may be



deem fit in the given facts and circumstances of the instant case.

10.4 Cost of the petition.”

3. Learned counsel for the petitioner submits that the petitioner is a small contractor engaged in execution of government works, contributing towards effective utilization of public funds, timely completion of projects, and ensuring that essential public infrastructure reaches the intended beneficiaries. He further submitted that the petitioner was awarded a contract vide work order dated 18.01.2024 for electrification work in the Government High School Building at Salihaghat, Block Bilaigarh, District Baloda Bazar-Bhatapara, for a total contract value of Rs. 5.03 lakhs.

4. Learned counsel for the petitioner would submit that the petitioner duly executed and completed the entire work within the stipulated period on 16.03.2024 to the full satisfaction of the competent authorities. As per the Measurement Book and Memorandum of Payment, a sum of Rs. 4,82,158/- became due and payable to the petitioner, which remains undisputed. He further contended that the departmental authorities themselves have repeatedly acknowledged the completion of work and recommended release of payment through official communications dated 05.06.2024, 18.07.2024, 08.08.2024, and 26.12.2024. Even thereafter, a specific direction was issued on 07.05.2025 by the superior authority to ensure immediate payment of the petitioner's dues. Despite such categorical recommendations and directions, the respondents have failed to release the admitted amount



till date, without assigning any lawful justification.

5. It is further submitted by the learned counsel, appearing for the petitioner that the inaction on the part of the respondents is not only arbitrary but reflects gross administrative apathy. The excuse of increase in tender cost or pendency of administrative approval is wholly untenable in law and cannot be used as a ground to deny payment for work already executed and accepted by the department. He also stated that the petitioner had undertaken the work by arranging finances from private sources, and due to prolonged non-payment, he is facing severe financial distress, including mounting interest liabilities. The continued withholding of legitimate dues is causing irreparable injury and mental agony to the petitioner.

6. Learned counsel submits that the action of the respondents is violative of Articles 14 and 21 of the Constitution of India, as it is arbitrary, unreasonable, and deprives the petitioner of his rightful dues without any authority of law. It is further submitted that the amount due to the petitioner, being an admitted and crystallized liability, partakes the character of property, and its withholding without lawful justification is violative of Article 300-A of the Constitution of India.

7. Learned counsel for the petitioner places strong reliance upon the judgment passed by the Division Bench of this Hon'ble Court in **WA No.123 of 2025, State of Chhattisgarh vs. Baba Vishwanath Construction & Another**, wherein it has been categorically held that once the work awarded by the State is completed and there is no



dispute regarding quality or quantity, the State authorities cannot withhold payment on the ground of internal or procedural irregularities. The Hon'ble Court further held that such action is arbitrary and impermissible, and the undisputed amount must be released expeditiously.

8. It is submitted that the ratio laid down in the aforesaid judgment squarely applies to the facts of the present case, as the respondents have admitted completion of work and their liability to pay, yet are illegally withholding the petitioner's dues.

9. Learned counsel contended that it is a settled principle of law that the State cannot take advantage of its own administrative lapses to deny legitimate dues of a contractor. Any internal irregularity or delay is required to be dealt with departmentally and cannot prejudice the rights of the petitioner.

10. In view of the above facts and settled legal position, the petitioner is entitled for immediate release of the admitted amount of Rs.4,82,158/- along with appropriate interest for the inordinate and unjustified delay caused by the respondents.

11. On the other hand, learned State counsel 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.

12. We have learned counsel for the parties, perused the impugned



order and other documents appended with writ petition.

13. 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.

14. 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)

15. 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)

16. 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."

17. 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."

18. 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)

19. 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.

20. In the present case, although the petitioner asserts that the amount is admitted and payable, this Court finds that the claim arises



purely out of a contractual relationship. The determination of entitlement to payment, including verification of measurements, sanction of amount, and compliance with contractual conditions, requires detailed examination of records and evidence, which cannot appropriately be undertaken in proceedings under Article 226 of the Constitution of India.

21. The judgment relied upon by the learned counsel for the petitioner in ***Baba Vishwanath Construction (supra)*** is distinguishable on facts as well as on the nature of jurisdiction exercised. The said judgment arose from an order passed by the learned Single Judge, which was considered in writ appeal in the backdrop of clear and unequivocal admission of liability, leaving no scope for factual adjudication. However, in the present case, this Court is exercising jurisdiction under Article 226 of the Constitution of India in a writ petition, where such detailed factual determination, including assessment of measurements, verification of records, and compliance with contractual conditions, is required. In writ proceedings, this Court does not undertake such adjudication of disputed or unverified claims. Therefore, the ratio of the said judgment cannot be applied to the facts of the present case.

22. Considering the submissions advanced by learned counsel for the parties, the nature of the claim involved, and in view of the law laid down by the Hon'ble Supreme Court in the above-stated judgments (*supra*), we do not find any good ground to entertain this writ petition under Article 226 of the Constitution of India.

23. Accordingly, the present writ petition, being not maintainable, is



liable to be and is 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/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice