

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18268 of 2015

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1. Kavita Singh wife of Sushil Singh
 2. Gayatri Singh wife of Bibav kumar Singh both are resident of Village Fatehpur Chain, Police Station- Awtar Nagar, District Chapra.
 3. Raj Govind Rai s/o late Ram Baran Rai Resident of Village- Pakuli, Post office-Goraipur Police Station -Awtar Nagar District Chapra.

.... Petitioner/s

Versus

1. The State of Bihar , through the District Magistrate, Saran at Chapra.
2. The District Magistrate, Saran at Chapra.
3. The Deputy Development Commissioner, Cum Chief Executive Officer Zila Parishad , Saran at Chapra.
4. The Zila Parishad Dighwara, through its Chairman,.
5. The District Engineer, Zila Parishad ,Saran at Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sandip Singh, Adv.

For the Respondent/s : Mr. A.N. Deo- SC26

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 22-12-2015 Heard Mr. Sandip Singh, learned counsel for the petitioners, learned counsel for the State and Mr. Nikesh Kumar learned counsel for the Zila Parishad.

The petitioners are aggrieved by the non-allotment of the shop for which according to Mr Sandip Singh agreement was made way back in the year 2003. It is the stand of the Zila Parishad that by passage of time the cost has escalated and hence the additional demand which has aggrieved the petitioner. By the notices impugned in the writ petition present at Annexure-4 series the petitioners have been directed to deposit the revised amount by



the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Saran while returning the earlier draft deposited by them. The notice also directs the petitioners to deposit the revised amount within 10 days failing which the allotment would be cancelled. It is in these circumstances that the writ petition was filed.

A counter affidavit has been filed on behalf of the Zila Parishad in which it is stated that since the project rates has escalated since the year 2002 hence the revision. Learned counsel submits that the earlier rates were calculated as per the price prevalent in the year 2002 but by passage of time, the cost has escalated leading to the revision in the rate. It is thus submitted that the shops cannot be allotted to the petitioners at the rate prevalent in the year 2002.

I have heard Mr. Sandip Singh learned counsel for the petitioner, learned counsel for the State and Mr. Nikesh Kumar for the Zila Parishad.

While Mr. Singh appearing for the petitioners has questioned the action of the respondent-Zila Parishad on the anvil of arbitrariness and that the enhancement is not within reasonable limits, it is the stand of the Zila Parishad that the passage of time in removal of encroachment has escalated the cost. It is stated in

paragraph 6 that if the petitioners would be ready to comply with the revised demand, the fresh agreement would be entered by the Zila Parishad.

Having heard learned counsel for the parties and considering the commercial nature of the dispute as well the fact that even though the petitioners claim an allotment made as back as in the year 2003, it has taken them almost a decade to espouse their grievance and also taking note of the stand of the Zila Parishad justifying the revision of the grounds of escalation of prices of the materials, I am not persuaded enough to interfere with the notice issued to the petitioners containing the revised demand. Should the petitioners deposit the same within one month from today that the allotment be made in their favour by the Zila Parishad preferably within the same period. The writ petition is disposed of.

Bibhash/-

(Jyoti Saran, J)

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