

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7996 of 2014

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1. Fauzdari Singh, Son of Late Godhan Singh, resident of Mohalla Medni
Mal Pokhra, P.S. Hajipur Town, District- Vaishali at Hajipur

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Vaishali at Hajipur, District-
Vaishali

2. The Hajipur Municipality (Nagar Parishad), through the Executive
Officer, Hajipur, District- Vaishali

3. The Special Officer, Hajipur Nagar Parishad, Hajipur, Vaishali

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subodh Prasad, Adv.

For the Respondent/s : Mr. Irshad A.C. to S.C.18

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 29-06-2015 Heard Mr. Subodh Prasad, learned counsel for the petitioner
and Mr. Irshad A.C. to S.C.18 for the State.

None appears on behalf of the Nagar Parishad.

The petitioner has prayed for a direction to the respondent
authorities of Nagar Parishad, Hajipur in the District of Vaishali
for construction of a permanent shop at Gudri Bazar, Hajipur and
its allotment to the petitioner at the place which was allotted to the
petitioner. It is the case of the petitioner that a shop was allotted to
him along with some others approximately 40 years ago and when
the authorities of the Nagar Parishad tried to enhance the rent that
they moved this Court in its writ jurisdiction. In so far as the
petitioner is concerned he filed C.W.J.C.No.5514 of 1987 which



was heard analogous with C.W.J.C.No.833 of 1988. The writ petition was disposed of and the bench inter alia directed the respondents for construction of the shop phase wise and in the meanwhile to adjust the shopkeeper. It so appears that the benefit of the direction has not reached to the petitioner and it is in these circumstances and complaining as such, he is before this Court.

A counter affidavit has been filed on behalf of the Nagar Parishad and paragraph 4 thereof explains the entire situation. It is the specific case of the Nagar Parishad that of the shops in question only 19 remain to be constructed including the shop of the petitioner. It is further stated that in providing essential amenities that the area of the shop were reduced but the petitioner initially was not willing to take the shop nor he bothered to handover the old shop for its reconstruction. It is further the stand of the Nagar Parishad that by passage of time the construction cost has escalated and for which the petitioner is also responsible. A letter of the Executive Officer addressed to the Deputy Collector dated 8.12.2014 has been enclosed as Annexure-B explaining such circumstances and Annexure-C is a letter of the Executive Officer addressed to the petitioner to present himself along with necessary documents for providing him with a fully constructed shop. No

rejoinder has been filed by the petitioner to the specific statement made in the counter affidavit.

In the circumstance the writ petition is disposed of with the direction to the petitioner to respond to the notice of the Executive Officer, Nagar Parishad, Hajipur dated 18.10.2014 placed at Annexure-C and whereupon the Executive Officer shall dispose of the matter in accordance with law expeditiously and preferably within 3 months from the date of receipt/production of a copy of this order bearing in mind the order passed by the writ Court in C.W.J.C. No. 5514 of 1987 present at Annexure-1 as well as the fact that the rest of the shopkeepers have been provided with a fully constructed shop.

(Jyoti Saran, J)

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