

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2147 of 2013

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1. Trilok Kumar Son Of Late Ishwar Chandra Prasad Secretary Motihari Club, Resident Of Main Road, Motihari, P.S. Motihari Town, District- East Champaran

.... Petitioner/s

Versus

1. The State Of Bihar
 2. The District Magistrate, East Champaran At And P.O. Motihari, P.S. Motihari Town, District East Champaran
 3. The Sub Divisional Officer, Motihari At And P.O. Motihari, P.S. Motihari Town, District East Champaran
 4. Nagar Parishad, Motihari Through Its Executive Officer

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar

For the Respondent/s : Mr. Samal .Kr. Mishra

Mr. S.M. Ghosh, AC to AAG 8

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

4 22-07-2015 Learned counsel for the petitioner is permitted to implead the Urban Development Commissioner as respondent No.5.

The petitioner claiming to be the Secretary of Motihari Club seeks a direction to the respondents to hand over and restore possession of the assets and premises of Motihari Club to the petitioner.

According to the petitioner the township of Motihari has an indoor stadium for sports activities since much before 1995. The office bearers of the Indoor Stadium decided to convert the



same into Motihari Club and an adhoc Committee was also constituted by the District Magistrate, East Champaran, Motihari and office bearers were appointed on adhoc basis for a period of one year vide memo no.1749 dated 22.8.1995.

There is nothing on the record to infer whether the term of office bearers were extended or not. It is the case of the petitioner that he was elected as Secretary of the Club pursuant to the order issued by the Sub-Divisional Officer, Motihari contained in memo no.720 dated 26.6.2006. However, the said letter has not been brought on record which would have given some indications with respect to terms and conditions and the period for which the petitioner was made Secretary of the Club.

Neither the District Magistrate nor the Sub-Divisional Officer, (respondent Nos. 2 and 3) nor the Nagar Parishad, who is respondent No.4, has made any statement as to how the administration of the Motihari Club is running after 2006 till 2010.

Counsel for the Nagar Parishad has relied upon order dated 22.8.1995, contained in memo no.1749 (Annexure-1) by which Indoor Stadium was converted into Motihari Club and office bearers were appointed on adhoc basis for a period of one year.

As the petitioner has not placed any materials on record

with regard to his continuance as Secretary of the Club till the year 2010, I am not inclined to issue any writ in his favour directing the respondents to handover and restore possession of the assets and premises of Motihari Club to the petitioner.

Having considered the facts and circumstances of the case, this writ application is disposed of with the following directions:

i) The District Magistrate, East Champaran, Motihari in consultation with the Nagar Parishad would constitute a Committee for running of the Indoor Stadium. Two of its members must be sportsmen or associated with sports.

ii) The Committee would submit its annual report with respect to the events launched to the Divisional Commissioner as well as Ministry of Sports.

(Samarendra Pratap Singh, J)

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