

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3749 of 2015

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Md. Sarfaraj Khan son of late Sirajuddeen Khan, resident of Moh.-
Nagbatiya Colony, Road No.-1, Police Station- Civil Line, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Urban Development and Housing, Government of Bihar, Patna.
2. The Municipal Commissioner, Gaya Municipal Corporation, Gaya.
3. The Executive Engineer cum Market In-Charge, Gaya Municipal Corporation, Gaya.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Amar Nath Singh, Advocate
Mr. Binay Kumar, Advocate
For the Respondent/s : Mr. Rajiv Kumar Singh, GP-2
For the Corporation : Mr. Rabindra Priyadarshi, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 15-10-2015 Heard Mr. Amar Nath Singh, learned counsel for the

petitioner and Mr. Rabindra Priyadarshi, counsel for the Gaya

Municipal Corporation.

With the consent of the parties the writ petition is being

disposed of at the admission stage itself.

The writ petitioner seeks a direction in the nature of

mandamus commanding the respondent authorities of the Gaya

Municipal Corporation to hand over the possession of the shop

no.10 situated in Gani Market falling within the jurisdiction of the

Gaya Municipal Corporation in the town and district of Gaya.

According to the petitioner it is by virtue of a decision



of the Municipal Board to allot the shop in question and following which an office order was issued bearing Memo No. 1453 dated 31.12.2013 whereunder shop no. 10 was allotted in favour of the petitioner. It is stated that even the agreement has been executed present at Annexure-3 but a formal handing over of the possession of the shop has not taken place forcing the petitioner before this Court. It is further stated that the petitioner has drawn the attention of the Town Commissioner vide Annexure-4 series but to no avail.

Having heard learned counsel for the parties and considering the uncontested position reflecting from the documents, the writ petition is disposed of with a direction to the Town Commissioner, Gaya Municipal Corporation to consider the grievance of the petitioner in the light of the orders passed and the agreement executed pursuant thereto and dispose of the same expeditiously and preferably within four weeks of its receipt / production of a copy of the order.

(Jyoti Saran, J)

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