

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13660 of 2012

=====

1. Dilip Kumar S/O Sri Chandradeo Prasad Yadav Resident Of Ramchandra
P.S+ District- Khagaria.

.... Petitioner/s

Versus

1. The State Of Bihar Through The District Magistrate, Khagaria.
2. The Sub- Divisional Officer, Khagaria, District- Khagaria.
3. The Chairman Munnicipal Corporation, Khagaria.
4. The Executive Officer, Municipal Corporation, Khagaria.
5. Anju Kumar S/O Late Rajendra Yadav Resident Of Mohalla- Jai Prakash
Nagar, Ward No. 21, P.S & District- Khagaria.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Upendra Kumar

For the Respondent/s : Mr. Prabhakar Tekriwal Gal

=====

**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH**
ORAL ORDER

3 14-07-2015 The petitioner seeks quashing of the order dated 21.5.2012
passed by the Executive Officer, Municipal Corporation, Khagaria
by which he has been directed to vacate the Stall No.C-113.

It appears that Stall No. C-113 under Municipal Area of
Khagaria Municipality was settled in the name of Rajendra Yadav,
father of Anju Kumar in the year 1990. As the said stall was quite
some distance from the main market, the allottee did not take any
interest. Subsequently, the area became important as the business
activity in that area started. In the circumstances, one Shyam
Sundar Prasad taking advantage of the situation started doing
business and got the “Marfati receipt”. The authority of the Nagar
Parishad was not much concern as they were getting rent.

However, in the year 2009 notices were issued to Anju Kumar for payment of rent dues which was coming from before.

The authority in course of enquiry found that the stall was in fact settled in favour of Anju Kumar son of Rajendra Yadav and the petitioner is illegally in possession of the same. As such, by the impugned order the petitioner has been directed to vacate the premises.

Learned counsel for the petitioner submits that the petitioner is doing business in the said stall since 12 years and neither Anju Kumar nor the Municipality objected him in doing business over the said stall. He thus submits that the petitioner has got right and title over the said stall.

I find that the contention of the petitioner is totally misconceived. The person who was not allotted stall can not claim right and title over it much because he has remained in possession over it for 12 years. I do not find any merit in this writ application. It is accordingly dismissed.

Having regard to the facts and circumstances of the case, it will be open for the Municipality to take appropriate action against Anju Kumar for his lapses.

(Samarendra Pratap Singh, J)

KHAN/-

U			
---	--	--	--