

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21822 of 2014

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Mandar Madhusoodan Bahudhandhi Swablambi Sahkari Samiti Limited,
Bounsi in District Banka through its President Shankar Prasad Singh, son of
Late Jawahar Prasad Singh, resident of village- Jhapania, Police Station-
Bounsi, District- Banka.

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Revenue and Land Reforms Department, Govt.
of Bihar, Patna.
3. The Joint Secretary, Govt. of Bihar, Patna.
4. The Commissioner, Bhagalpur Division, Bhagalpur.
5. The Collector, Banka.
6. The Additional Collector, Revenue, Banka.
7. The Joint Registrar, Sahyog Samiti, Bhagalpur Division, Bhagalpur.
8. The Anchal Adhikari, Bounsi, Banka.

.... Respondents

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Appearance :

For the Petitioner : M/S Siya Ram Shahi and
Anil Kumar, Advocates
For the State : Mr. Ajay Kumar, A.C. to S.C.17

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 12-01-2015 A fresh vakalatnama executed by the President

of the Society has also been brought on record along with

the Interlocutory Application.

I.A. No.225 of 2015

This application has been filed for amendment

in the writ petition.

It has been stated that this writ petition has

been filed by Shankar Prasad Singh who happens to be the

President of Mandar Madhusoodan Bahudhandhi

Swablambi Sahkari Samiti Limited, Bounsi in Banka

District whereas it should have been filed by the Society through its President. It is submitted that inadvertently this error has been committed which requires to be rectified.

There is no opposition from other sides.

Accordingly, the petitioner is allowed to make necessary correction in the cause title in course of the day and the writ petition would be considered to have been filed by the Society concerned through its President for which a fresh vakalatnama has been filed.

C.W.J.C. NO.21822 OF 2014

Now I proceed to consider the writ petition on its merit. Initially, this writ application was filed for quashing the notice dated 29.11.2014 issued by the Collector, Banka coming out with nine conditions for inviting Bids and allotment of Bounsi Mela to the highest bidder for the financial year 2014-2015. Petitioner has also prayed for a direction commanding the respondents to settle the Mela with the petitioner in the facts and circumstances of the case.

However, during the pendency of the writ application, the Mela has been settled for the aforesaid financial year in favour of the petitioner as per his claim.



Petitioner has brought Annexure-15 in support of his aforesaid submission which is an order granting ad hoc Parwana in favour of the petitioner by the Additional Collector, Banka. The petitioner has also appended a copy of the Challan by which he has deposited Rs.3,86,100/- by way of settlement money and registration fee.

It is contended by the petitioner that now the Subdivisional Officer, Banka has written to the petitioner vide Annexure-16 dated 26.12.2014 not to allow any circus and other games and sports to be displayed in the circus without necessary administrative permission from the Subdivisional Officer concerned. The petitioner submits that he has already represented the Circle Officer for grant of such permission.

In my opinion that would not be sufficient as the notice was issued by the Subdivisional Officer and an application/representation for grant of necessary administrative permission ought to have been filed before the Subdivisional Officer.

In above view of the matter, this application is being disposed of with a liberty to the petitioner to file a representation before the Subdivisional Officer, Banka in

response to Annexure-16.

In case, such application/representation is filed, let the Subdivisional Officer concerned take a decision within a period of one week from the date of filing of such application because it has been stated that the Mela has been settled only for a period of one month commencing from 14th January, 2015.

(Dr. Ravi Ranjan, J)

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