

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1316 of 2015

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1. Md. Azad Son of Md. Abdul Moin resident of village - Khatadi, Police Station - Aram, District - Bhojpur at Ara
 2. Zohara Khatoon wife of Md. Javed resident of village - Bhaluhipur, Police Station - Ara, District - Ara
 3. Md. Shahabudin son of Late Md. Islam resident of village - Bhaluhipur, Police Station - Ara, District - Ara
 4. Md. Javed son of Md. Muslim resident of village - Bhaluhipur, Police Station - Ara, District - Ara
 5. Shama Khatoon wife of Aftab Alam resident of village - Bhaluhipur, Police Station - Ara, District - Ara
 6. Md. Aftab Alam son of Md. Muslim resident of village - Bhaluhipur, Police Station - Ara, District - Ara

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Urban Development and Housing Department, Bihar, Patna
2. The Joint Secretary, Urban Development and Housing Department, Bihar, Patna
3. The Ara Municipal Corporation, Ara through the Municipal Commissioner, Ara Municipal Corporation, Ara
4. The Municipal Commissioner, Ara Municipal Corporation, Ara

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Adv.

For the Respondent/s : Mr. D.K. Sinha, AAG-2

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 18-05-2015 Heard learned counsel for the petitioners and learned counsel for the State.

Despite service of notice on learned counsel for the Municipal Corporation there is no representation on their behalf.

The petitioner prays for an appropriate direction to the Municipal Commissioner, Ara Municipal Corporation to hand over shops allotted to these petitioners in the light of the decision

taken by the Empowered Standing Committee of the Corporation as reflected from the minutes of the meeting dated 24.9.2011 placed at Annexure-1 series.

Learned counsel appearing for the petitioner with reference to Annexure-1 series which is the minutes of the meeting of the Empowered Standing Committee submits that whereas the petitioner No.1 Md. Azad, petitioner No.4 Md. Javed and petitioner No. 6, Md. Aftab Alam were allotted shops near the district school, the petitioner Nos. 2, Zohara Khatoon, petitioner No.3, Md. Shahbudin and petitioner No. 5 Shama Khatoon have been allotted shops near the Old Police lines. It is further the contention of the petitioner that acting upon the decision of the Empowered Standing Committee that notices were issued to the petitioner on 22.10.2011 requiring them to deposit Rs. 60,000/-, copy of which is placed at Annexure-2 series and in compliance thereof the petitioners have deposited the required amount of Rs. 60,000/- each as is manifest from Annexure-3 series way back on 16.6.2010 or thereafter. He submits that since the year 2010-11 and even after receiving the amount from these petitioners, that allotment letter has not been issued to these petitioners by the Corporation.

I have heard learned counsel for the parties and taking note

of the grievance raised herein, this Court is of the opinion that once the Municipal Corporation has initiated a process of allotment it has to be completed more so where the Corporation has also received the requisite amount from these petitioners.

In the circumstances, this writ petition is disposed of with the direction to the Municipal Commissioner, Ara Municipal Corporation, the respondent no.3 to consider the grievance of the petitioners regarding non-allotment of their shops in the backdrop stated herein above and dispose of the same within six weeks of the date of receipt/production of a copy of this order.

(Jyoti Saran, J)

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