

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2455 of 2013

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1. Suresh Prasad S/O Ganuri Prasad R/O Vill-Parsobigha, P.O.-Barbigha, P.S.-Barbigha, Distt-Sheikhpura
 2. Yogendra Prasad Keshri S/O Late Fauzdari Sao R/O New Jakanpur, P.O.-G.P.O., P.S.-Jakanpur, Distt-Patna
 3. Lalan Raut S/O Chandeshwar Raut R/O Mohalla-Pandui Jamumama, P.S.-Parasbigha, P.O.-Pandui, Distt-Jehanabad
 4. Suresh Mahto S/O Rameshwar Mahto R/O Vill+P.O.-Chanchur, P.S.-Ujairpur, Distt-Samastipur
 5. Vinod Kumar S/O Shiv Narayan Prasad Bihari R/O Mohalla-Kali Chowk, P.S.-Mojaidpur, P.O.+Distt-Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Department of Urban Development and Housing, Government of Bihar, Patna
3. The District Magistrate, Patna
4. The Patna Municipal Corporation through Municipal Commissioner, Patna
5. The Municipal Commissioner, Patna
6. The Sub-Divisional Officer, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Kumar, Adv.
For the Respondent-State : Mr. Ram Pravesh Kumar, A.C. to SC-II
For the P.M.C. : Mr. Sanjay Prakash Verma, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 18-09-2015

Heard Mr. Brajesh Kumar learned counsel for the petitioners and Mr. Sanjay Kumar Verma learned counsel for the Patna Municipal Corporation and its authorities.

The petitioners seek a writ in the nature of mandamus commanding the authorities of the Patna Municipal Corporation including the Municipal Commissioner for grant/renewal of their licence to carry out the business at the Inter State Bus Stand, Mithapur in the town and district of Patna.

The petitioners are licensed vendors at the erstwhile Vir Kunwar Singh



bus stand which earlier existed at Harding Park in the town and district of Patna. The bus stand was later on shifted to Vir Kunwar Singh Park and presently exists at Inter State Bus Stand at Mithapur. It is while this process was going on that a public interest litigation was filed in relation to the encroachments in the Patna town more commonly known as **Arun Kumar Mukherjee Vs. State of Bihar** arising from **C.W.J.C. No. 2290 of 1991**. The issue at hand also came up for consideration and stands noted in the order dated 5.10.2004 when the Vice Chairman of the erstwhile Patna Regional Development Authority under the Bihar Regional Authority Act, 1981 gave an assurance that steps were being taken to settle the vendors of Harding Park at Vir Kunwar Singh Park. It was also submitted that they shall be allowed to continue their business till the order is passed in the case.

The order at that stage related to shifting of the bus stand from Harding Park to Vir Kunwar Singh Park. The issue presently is at a later stage when the bus stand has been shifted from Vir Kunwar Park to Mithapur bus stand. It is in pursuance of the assurance so given by the Vice Chairman present at Annexure-2 that an office order was issued by the erstwhile Patna Regional Development Authority on 26.8.2006 present at Annexure-3 in consideration of the application filed by the Vir Kunwar Singh Bus Stand Vendors Union for issuance of licence at Mithapur as issued at Vir Kunwar Singh Bus Stand. The Vice Chairman of the Patna Regional Development authority vide the order under reference issued directions for grant of licence to the vendors subject to the condition that in case the project of the bus stand is handed over to a private agency in that case the licence would be treated as cancelled. With such stipulation present in the order the vendors through their union were directed to obtain their licenses.

This letter present at Annexure-3 puts at rest the two debatable issues and



that is that the Vendors were duly licensed at Vir Kunwar Singh Park and orders were issued for grant of their licence at Mithapur Bus Stand subject to the condition present in the orders. It is in the light of the orders so passed by the Vice Chairman that the Secretary of the Regional Development Authority on 15.1.2007 requested the District Magistrate to supply him with the list of the licensed vendors for issuance of licence at the Mithapur bus stand. The letter also makes reference to the order passed by this Court on 5.10.2004 present at Annexure-2. The letter of the Secretary is present at Annexure-4 and which was responded to by the District Magistrate vide letter present at Annexure-5 supplying the Town Commissioner, Patna Municipal Corporation which had succeeded the Patna Regional Development Authority under the Bihar Municipal Act, 2007 with the list of the licensed vendors which includes the name of the present petitioners. The matter did not rest here rather it advanced further when the Estate Officer of the Patna Municipal Corporation vide letter dated 14.5.2009 directed the President of Vir Kunwar Singh Bus Stand Vendors' Union to direct its members to be present with the attested copy of their licence, an affidavit, two passport size photographs in the office of the Estate Officer so that steps could be taken for issuance of licence in their favour for the Mithapur Bus Stand.

Up till this stage there is dispute on facts that respondents took the required steps for grant of licence. The dispute arises hereinafter because since after issuance of the letter by the Estate Officer on 14.5.2009 the matter did not proceed further forcing the petitioner through their Union to approach this Court in C.W.J.C.No.13817 of 2011 by way of a public interest litigation which was dismissed with liberty to the individual vendors to raise their grievance against the action/inaction of the respondent authorities and the present writ petition has been filed pursuant to such liberty.

I have heard learned counsel for the parties and I have perused the records.

Mr. Brajesh Kumar simply refers to the sequence of events to canvass the inaction on the part of the respondent authorities of the municipal corporation including the Municipal Commissioner as well as the Estate Officer in not taking the process so initiated for grant of licence in favour of the petitioner to its logical conclusion even after seeking the details vide letter dated 14.5.2009 present at Annexure-6 and which has been duly complied by the petitioners. Mr. Verma on the other hand seeks to question the process on the anvil that the petitioners were not licensed vendors and that since no licence had been issued to them hence there was no question of renewal.

In my opinion the objections so raised by Mr. Verma in the backdrop of sequence of events noted hereinabove is only taken to be rejected.

The discussion made hereinabove are sufficient indication that the petitioners are licensed vendors. In fact this certification is present in the letter of the District Magistrate enclosing the list of the licensed vendors at the Vir Kunwar Singh Bus Stand present at Annexure-5 and which puts at rest whatsoever confusion that may be bearing in the mind of the Corporation. The process initiated by the predecessor in interest of the Municipal Corporation for grant of licence to the vendors in question vide Annexure-4 and acted upon vide letter of the Estate Officer of the Corporation on 14.5.2009 present at Annexure-6 requiring the vendors to submit their photographs and affidavit and their existing licence for issuance of licence at Mithapur Bus Stand had to be completed and would not be left midway. In my opinion these petitioners have been made to do the rounds of the Court unnecessarily which could have been avoided had the Corporation completed the process so initiated by them or their predecessor in interest.

In the circumstances discussed, the authorities of the Patna Municipal Corporation including the Patna Municipal Commissioner and the Estate Officer are directed to complete the process of grant of licence to the licensed vendors of the Vir Kunwar Singh Bus Stand including the petitioners initiated vide order dated 26.8.2006 (Annexure-3) and acted upon vide letter contained in Annexure-4, Annexure-5 and finally in the directions of the Estate Officer present in his letter dated 14.5.2009 present at Annexure-6 and since a period of more than six years have already lapsed, an expeditious disposal preferably within 3 months of the date of receipt/production of this order would be desirable.

The writ petition is allowed with the directions aforementioned.

(Jyoti Saran, J)

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