

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6254 of 2015

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1. Mangal Yadav, S/O-Late Laxuman Prasad Yadav, Resident of Village-Dhamar P.S - Ara, Muffasil, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar , Through commissioner, Patna. Division- Patna.
2. The Collector, Bhojpur. [Ara]
3. The Additional Collector, Bhojpur[Ara].
4. Krishna Bihari Yadav, S/O- Sri Satan Yadav, Resident of Village - Dhamar P.S - Ara, Muffasil, District- Bhojpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Respondent/s : Mr. A.Ujjwal

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA
ORAL ORDER

4 11-06-2015 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner became the highest bidder for settlement of Dhamar Haat for the year 2015-16, pursuant to the settlement notice dated 18.2.2015 (Annexure-1). Perusal thereof indicates that the bid was held on 23.2.2015. After the petitioner became the highest bidder for the aforesaid settlement, he deposited the settlement amount of Rs.78,430/- vide receipt dated 26.2.2015 (Annexure-2).

It is submitted on behalf of the petitioner that after he deposited the bid amount, the authorities informed him to appear before them on 1.4.2015 so as to enable him to take possession of

the Haat in question. It is stated that pursuant thereto, he did appear before the authority but he was informed that the settlement has been cancelled.

In the light of the said information given, the petitioner filed the present writ petition on 21.4.2015 praying, inter alia, to direct the State-respondents to allow him to proceed in the light of the deposit of the bid money made by him on 26.2.2015.

By filing the counter affidavit on behalf of respondent No.2, it is submitted that the settlement of the petitioner for the Haat in question was made at an amount which was less than the settlement amount of the previous year and such fact was brought to the notice of the Collector by respondent No.4 under representation dated 25.3.2015 (Annexure-A). After appreciating the said fact, respondent No.2 issued notice dated 27.3.2015, copy whereof was attempted to be served on the petitioner but he refused to receive the same and the process server made such endorsement under his signature dated 30.3.2015. The copy of the notice with the endorsement of the process server is annexed as Annexure-C to the counter affidavit. It is submitted on behalf of respondent No.2 by learned counsel for the State that after the petitioner refused to accept the notice, respondent No.2 passed order dated 31.3.2015 (Annexure-D) cancelling the settlement of

the Haat in question made in favour of the petitioner and settled the same in favour of respondent No.4.

It is, thus, very much obvious from the order dated 31.3.2015 that the settlement made in favour of respondent No.4 is without any notice which is wholly arbitrary and violative of Article 14 of the Constitution as also of the relevant Circular of the State Government and it is, accordingly, quashed with the direction to the Collector to issue a fresh notice for settlement of the Haat in question. Let the fresh settlement of the Haat in question be made as early as possible in any case within a period of 30 days from the date of receipt/production of a copy of this order.

Until fresh settlement, let the collection of the Haat in question be made by the Collector through its revenue official, i.e., the Circle Officer concerned and the same be kept in safe custody and may be given to the new settlee.

The writ application stands disposed of.

(V.N. Sinha, J)

V.P.Sinha/-

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