

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 9942 of 2015

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1. Deepak Kumar, S/o Late Kishori Thakur, Holding the shop No. 40/86-87, At Goyenk College Road, P.O. + P.S. + District – Sitamarhi.
 2. Manju Devi @ Manju Gupta, W/o Late Bindeshwri Prasad, Holding the shop No. 56/86-87, At Goyenka College Road, P.O. + P.S. + District – Sitamarhi.
 3. Abdul Mazid S/o Unus Ansari, Co-allottee of the shop No. 51/86-87, At Goyenka College Road, P.O. + P.S. + District – Sitamarhi.
 4. Ghanshyam Prasad @ Ghanshyam Kumar Prasad S/o Late Ram Janam Prasad, Holding the shop No. 55/86-87, At Goyenka College Road, P.O. + P.S. + District – Sitamarhi.
 5. Harihar Prasad S/o Jagannath Prasad, Holding the shop No. 52, At Goenka College Road, P.O. + P.S. + District – Sitamarhi.

.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Collector at District – Sitamarhi.
3. The Deputy Collector, Incharge Khash Mahal at Sitamarhi, District Sitamarhi.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shiv Shankar Prasad Yadav
For the Respondent/s : AC to SC-27

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5. 30-10-2015 At the very outset, learned counsel for petitioners seeks permission to withdraw the writ petition so far as petitioner no. 3 (Abdul Mazid) is concerned.

The prayer is allowed.

The writ petition stands dismissed as withdrawn so far as petitioner no. 3 is concerned.

In the writ petition, the remaining petitioners i.e. petitioner no. 1, 2, 4 & 5, who claim to be allottee of shops, have approached this Court invoking its writ jurisdiction under Article

226 of the Constitution of India, with a prayer to direct the respondents, particularly; respondent no. 3/Deputy Collector, Incharge Khash Mahal, Sitamarhi to receive the amounts of the rents for the shops and plots, which are in possession of the petitioners.

Without further delving into the matter, I have noticed the stand taken in the counter affidavit and in paragraph – 6 of the counter affidavit, a specific stand has been taken that the rent in respect of petitioner no. 1, 2, 4 & 5 was calculated and notices to the said effect has already been issued for depositing the due rent.

In view of the fact that on the one hand, petitioners are saying that the respondents are not accepting the rent and in view of facts disclosed in the counter affidavit that despite notice, rent has not been deposited by the petitioners, the Court is of the opinion that such disputed fact cannot be adjudicated in the writ petition.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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