

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24802 of 2013

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1. Jagmohan Chaudhary Son of Sri Yamuna Chaudhary Resident of Village
Purvi Daihanuk, Police Station Chapra Town, District Saran

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Saran
3. The Executive Officer, Nagar Parishad, Chapra
4. The Special Officer, Nagar Parishad, Chapra

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar Tiwary, Adv.

For the Respondent/s : Mr. Roy Shivaji Nath, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 19-05-2016 Heard learned counsel for the petitioner, learned counsel for
the State and learned counsel for the Zila Parishad.

The petitioner is aggrieved by the order dated 8.4.2011 of the Executive Officer, Nagar Panchayat impugned at Annexure-5 whereby the request of the petitioner for allotment of the shop has been rejected. The facts of the case stands noted in the order under challenge and which manifests that on account of default by the petitioner that the allotment in his favour, was cancelled and made in favour of one Hira Lal Yadav on 17.11.2000. The petitioner was accordingly informed vide letter dated 1.2.2001. The petitioner questioned the cancellation before this Court in C.W.J.C.No.9843 of 2002 but a Bench of this Court without interfering with the order of cancellation granted liberty to the petitioner to represent before the Nagar Panchayat for consideration of an alternative allotment and accordingly, the

petitioner has represented.

The Executive Officer vide the impugned order passed on 8.4.2011 has refused to consider the request of the petitioner inter alia on grounds that the shop in question already stands allotted in favour of Hira Lal Yadav who is operating the same. Learned counsel for the petitioner with reference to the prayer made in paragraph 1 (ii) submits that although the impugned order at Annexure-5 at paragraph (४) mentions that the amount deposited by the petitioner of Rs. 33000/- was refunded vide Cheque No. 096512 dated 15.6.2002 but it has not been received by the petitioner and thus a prayer has been made for its refund.

In so far as the prayer for refund is concerned, apart from the fact that there is no statement in the writ petition regarding non receipt of the money through the cheque in question, however, in case the cheque has not reached the petitioner then he shall be at liberty to draw the attention of the Executive Officer and who shall consider and dispose of such grievance in accordance with law.

In the circumstances discussed, no cause for indulgence is made out. The writ petition is disposed of

(Jyoti Saran, J)

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