

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18966 of 2013

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1. Arun Kumar Son Of Late Bhuvneshwar Prasad Resident Of Mohalla +
P.O.- Prasad Bigha, P.S.- Nawadah Sadar, District- Nawadah

.... Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Urban Development, Government of Bihar, Patna
2. The District Magistrate, Nawadah
3. The Deputy Development Commissioner, Nawadah
4. The Sub-Divisional Officer, Nawadah
5. Nagar Parishad, Nawadah through its Chief Executive Officer
6. The Chairman, Nagar Parishad, Nawadah
7. The Chief Executive Officer, Nagar Parishad, Nawadah

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Respondent/s : Mr. S.S. Shabbar Hussain

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 05-07-2016

Heard the counsel for the petitioner and the State.

A counter affidavit has been filed by the respondent(s).

The petitioner was allotted Kiosk on 30.07.2001 by the respondent-Nagar Parishad, Nawadah bearing no. K-96 on specified rent vide Annexure-1, on the condition that petitioner shall pay in installments the constructions cost thereof. It is stated that the cost, as required in the sum of Rs. 10,000/- was deposited by him with the respondent-Nagar Parishad on 16.08.2001. For some reasons, the Kiosk could not be constructed and allotted to the petitioner in spite of few



representations made by him in 2003 and 2009. In the circumstances, the petitioner vide communication dated 13.11.2009 requested the respondent-Nagar Parishad to allot him another vacant Kiosk bearing no. K-33. A report seems to have been called for. The Junior Engineer of the Nagar Parishad vide communication dated 15.01.2010 (Annexure-6) reported the place to construct K-33 was vacant.

It is submitted on behalf of the petitioner that even though the report was submitted, the respondents have not allotted/permitted construction thereover and gave the same on rent to the petitioner. Even the amounts deposited by the petitioner on demand by the respondent-Nagar Parishad has not been returned. In case the respondents fail to allot Kiosk in favour of the petitioner on rent, then the petitioner would be entitled to get the amount deposited by him in 2001 refunded with interest. It is stated that the matter is still pending consideration before the Executive Officer, Nagar Parishad.

On going through the materials on record, I am satisfied, the present application merits to be disposed of by the following order:

Let the Executive Officer on a fresh representation file by the petitioner consider his claim, if not already considered and

decided, and take a decision as quickly as possible preferably within six weeks from the date of filing of the representation along with a copy of the present order.

(Kishore Kumar Mandal, J)

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