

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18303 of 2013

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Md. Kitabuddin Ansari S/o (Late) Md. Khalil Ansari Resident of Village-
Fulwariya, P.O.- Dhanauti, P.S.- Siwan (Muffasil), District- Siwan

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Urban Development
Department, Govt. of Bihar, Vishweswaraiya Bhawan, Patna
2. The Divisional Commissioner, Saran Division, Chapra
3. The Collector-cum-District Magistrate, Siwan at Siwan
4. The Deputy Development Commissioner, Siwan at Siwan
5. The Nagar Parishad Siwan, through its Executive Officer at Siwan
6. The Special Officer, Nagar Parishad, Siwan at Siwan
7. The Chairperson, Nagar Parishad Siwan at Siwan
8. The Executive Officer, Nagar Parishad Siwan at Siwan

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Uday Pratap Singh, Advocate

For the Respondent/s : Mr. S. Raza Ahmad, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

7 19-05-2016

Heard Mr. Uday Pratap Singh, learned counsel for the
petitioner, learned counsel for the State and Mr. Ravi Bhushan
Verma, for the Nagar Parishad.

The grievance of the petitioner is that he applied before
the Nagar Parishad, Siwan for allotment of shop in Shaheed Sarai
Market, Siwan pursuant to the notice published in the year 1995
and also made a deposit of Rs. 5,000/- on 23.6.1995 and Rs.
5,100/- on 02.7.1999, the receipt of deposit are present at
Annexure-1 and 2 respectively. The grievance is that since
thereafter the Nagar Parishad has not taken any steps for allotment
although there have been allotments in favour of some others. It is
in consideration of the grievance raised and requiring an answer

from the Nagar Parishad as to whether there have been allotments made in favour of similarly placed persons that the matter was adjourned and a counter affidavit has been filed in which it is admitted that although some settlement were made in the year 2006, following a resolution of the Nagar Parishad but at present there is no place available for allotment in the Shahid Sarai Market. The Executive Officer, however, in paragraph 13 of the counter affidavit has stated that whenever the Nagar Parishad would be taking any steps for allotment of shops it will give priority to the petitioner.

In the circumstances discussed and considering that the petitioner has slept over his rights for last 20 years, I think the stand taken by the Executive Officer is just and fair. Since it is the stand of the Executive Officer himself that in case the Nagar Parishad would be going for fresh allotment of shops, it would give priority to the candidature of the petitioner, nothing survives in the writ petition for the present. That the Executive Officer has already issued orders to the petitioner to take refund of his deposit, he may avail of the liberty.

The writ petition is disposed of.

(Jyoti Saran, J)

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