

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24122 of 2013

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1. Birendra Sah S/O Late Jugeshwar Sah Resident of Village Sonbarsha Raj, Police Station Sonbarsha, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The Director Panchayati Raj Department, Government of Bihar, Patna.
3. The District Magistrate, Saharsa.
4. The Zila Parishad Saharsa, through the Executive Officer, Zila Parishad, Saharsa.
5. The Executive Officer cum the Deputy Development Commissioner, Zila Parishad, Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Maharaj, Adv.

For the Respondent/s : Mr. V.M.K Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 19-05-2016

Heard Mr. Satish Kumar Sinha learned counsel for the petitioner, learned counsel for the State and learned counsel for the Zila Parishad.

The petitioner prays for an appropriate direction to the authorities of the Zila Parishad including the Executive Officer thereof to permit him to construct a shop on the plot allotted to him under the agreement present at Annexure-1 which manifests that an area of 207 sqft. was allotted to the petitioner for construction of a shop. When the matter was taken up last it was informed by learned counsel appearing for the Zila Parishad that the petitioner was in default of rent since 2006 and which is to the tune of Rs. 1,22,806/-. A counter affidavit also filed in this writ petition. It is in view of the default so reported in the counter affidavit that the petitioner

undertook to clear the default and has deposited the entire rent outstanding against him and placed on record a receipt confirming the deposit vide Annexure-8 to the supplementary affidavit. The amount has been deposited on 9.5.2016.

Learned counsel for the petitioner submits that since the default whatsoever has been cleared by the petitioner and there is no other complaint hence the authorities of the Zila Parishad may be appropriately directed to consider the prayer of the petitioner for construction of a shop on the plot so allotted and also for allotment of additional area lying adjacent to the plot.

In my opinion, that the petitioner is cleared of all default and his possession over the plot has continued since its allotment, the Executive Officer, Zila Parishad would be well advised to consider the request of the petitioner for permitting him to construct the shop on the allotted plot as well as in respect of the allotment of additional area lying adjacent to his plot as submitted before this Court. A decision in this respect preferably within 3 months from the date of receipt/production of a copy of the order would be appreciated.

The writ petition is disposed of.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	
CAV DATE	
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