

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11490 of 2013

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A 2 Z Infrastructure Ltd. through its Deputy General Manager, Mr. Ankur Gupta, having its Registered office at 205, Laxman Place, 19-Veer Savakrkar, Block Shakarpur, Delhi. Regional office at Raza Bazar, Jagdeo Path, near Shayamal Apartment, Baiely Road, Patna-1.

.... Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
3. The District Magistrate, Patna.
4. The Additional Municipal Commissioner, Patna Municipal Corporation, Patna.
5. The Municipal Commissioner, Patna Municipal Corporation, Patna, Bihar.
6. Mayor, Patna Municipal Corporation, Patna, Bihar.
7. The Executive Engineer, Bihar Rajya Jal Parishad, Bihar, Patna.

.... Respondents

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 11-03-2016 Heard the counsel for the petitioner, the respondent Jal Parishad as well as the Patna Municipal Corporation (for short the Corporation).

Be it noted that no counter affidavit is filed by the Corporation.

The petitioner in spite of indulgence has not placed on record the communication or the agreement or the lease in respect of the land with the Corporation permitting it to park/dump the vehicles/materials over the land which is now claimed by the respondent- Jal Parishad.

It is stated that under the MSW project assigned to



the petitioner Company the Patna Municipal Corporation permitted the petitioner to utilize the land for parking vehicles and stacking other materials. The respondent -Jal Parishad by the impugned notice dated 26.10.2012 called upon the petitioner to pay the rent of the land for its use and remove the vehicles/articles therefrom, failing which those articles/vehicles shall be seized. The petitioner responded to the said notice on 29.10.2012. The matter since then is pending before the respondent Jal Parishad. There is no document attached to the writ petition showing that the Patna Municipal Corporation ever permitted the use of the land by the petitioner. It is only an assertion of the petitioner that it was so done.

On going through the pleadings it appears the respondent- Jal Parishad has to make a call in the matter in the light of the materials placed before it including the reply filed by the petitioner (Annexure-7). The respondent- Jal Parishad being the State is expected not to act arbitrarily or wholly unreasonably. The writ application is disposed of by directing the competent authority of the respondent Jal Parishad to take a decision in accordance with law but after affording an opportunity of personal hearing to the petitioner. The counsel for the petitioner has undertaken to appear before the Managing Director of the

Bihar- Jal Parishad along with a copy of this order within a period of three weeks enabling him to consider his grievance in the light of the attending facts as placed before it and pass appropriate orders in accordance with law as quickly as possible preferably within 05 weeks from the first appearance of the petitioner along with copy of the present order.

(Kishore Kumar Mandal, J)

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