

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.24721 of 2013

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1. Zila Parishad Dookandar Shangh, D.B. Road Saharsa through its President Himayat Khan Son of Late Rasul Khan Resident of Mohalla - Mustafanagar, Saharsa

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Saharsa
3. The District Board, Saharsa through the Deputy Development Commissioner-Cum-Chief Executive Officer, Saharsa
4. The Chairman, District Board, Saharsa

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Sanjay Kr NO.2, Adv.

For the Municipality : Dr. Amitesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 27-04-2016

The petitioner as an association has questioned the enhancement of the rent of the shops by the Zila Parishad, Saharsa.

While it is the contention of the petitioner that the rent has been enhanced arbitrarily, it is informed by Dr. Amitesh Kumar learned counsel appearing for the Municipality that the member shopkeepers of petitioner Sangh are in huge arrears of even the admitted rent. It is also contended that the enhancement is justified.

In the nature of the dispute raised, the association cannot espouse such grievance which has an individual bearing. Obviously defaulters cannot claim privilege and each matter requires separate

consideration.

Let the municipality issue demand notice in respect of each of shopkeepers in arrears giving the details thereof and the respective shopkeepers would be under an obligation to clear such of the dues as found admissible by them and in respect of such of the dues which the shopkeepers choose to contest, they should file their objection before the Chief Executive Officer, Zila Parishad together with supportive details and which shall be considered by him and disposed of in accordance with law after an opportunity of hearing to the concerned shopkeepers.

The writ petition is disposed of.

(Jyoti Saran, J)

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