

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5952 of 2017

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Shankar Paswan, Manager of Adars Vikash Cum Disney Land Mela, Head office
Baans Ghat, Patna, P.S.- Budh Colony, Distt. Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Arts,
Culture and Youth, Government of Bihar, Patna
2. District Magistrate, Bhagalpur
3. Sub-Divisional Officer, Bhagalpur
4. Municipal Commissioner, Bhagalpur Municipal Corporation, Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner : Ms. Renu Jha, Advocate

For the S t a t e : Mr. Himanshu Kumar Akela,
A.C. to PAAG-2

For Respondent No.4 : Mr. Manoj Kumar Sinha, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 20-04-2017 Heard learned counsel for the petitioner and the

learned counsel appearing for Bhagalpur Municipal
Corporation (Respondent No.4) as well as the learned counsel
appearing on behalf of the State.

The present writ application has been filed for
quashing Letter No.1260 dated 13.04.2017, as contained in
Annexure 5, by which the petitioner's application for
continuing his licence for running the Disney Land Fair at
Lajpat Park, Bhagalpur has been rejected by the Bhagalpur
Municipal Corporation and by the said letter he has also been
directed to deposit the full dues of the Corporation by the 18th
of April, 2017 and he has further been directed to vacate the



Maidan by 19.04.2017.

Learned counsel for the petitioner submits that the petitioner had been granted the lease to run the *Mela* between the period 01.03.2017 to 18.04.2017 under the orders passed by this Court. It is submitted that on 10th of April, 2017, the petitioner had also applied for extension of the period of *Mela* for a further period of one month. It is further submitted that the authorities had issued Letter No.1193 dated 08.04.2017 calling upon the petitioner to pay dues, failing which action would be taken against him.

Learned counsel for the petitioner has drawn my attention to Annexure 4, which is Letter No.1193 dated 08.04.2017, issued to the petitioner for deposit of a further amount of Rs.3,91,000/- in the account of the Bhagalpur Municipal Corporation. The said letter refers to another Letter No.914 dated 24.03.2017.

It appears from these two letters that previously a demand had been made from the petitioner to deposit a further amount of Rs.3,91,000/-, vide letter dated 24.03.2017, which has remained unpaid.

Learned counsel for the petitioner submits that the said demand was wholly arbitrary as earlier the petitioner had



deposited Rs.3,22,500/-. The lease amount has been fixed at Rs.3,91,000/- and, therefore, the petitioner is required to pay only Rs.68,500/- to the Corporation, which he is ready to pay forthwith.

In view of the fact that the petitioner has categorically submitted that the entire amount of Rs.68,500/-, which is due as per his calculation, shall be paid to the Corporation, let the petitioner approach the authorities with a demand draft of the aforementioned amount forthwith, so that the authorities may consider his case and re-open the premises solely for the purpose of removing the fittings and fixtures.

So far as the continuance of the lease is concerned, it is open to the Bhagalpur Municipal Corporation to take appropriate decision in the matter, in accordance with law.

In case the petitioner approaches the authorities with the aforementioned amount, the authorities shall thereafter order for opening the lock and releasing the fittings and fixtures of the petitioner within a period of three days thereafter.

The Corporation shall be at liberty to then raise its demand in terms of the agreement arrived at earlier.

It will also be open to the Bhagalpur Municipal Corporation to take recourse to any recovery proceedings,



which, according to them, as per the rules is due to the Corporation, in accordance with law.

With the aforementioned observations and directions, the present application stands disposed of.

(Anjana Mishra, J)

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