

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 4008 of 2017

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Nawal Kishor Singh, Son of Late Bashisth Narayan Singh, resident of Village -
Raghunathpur Kakaria, P.S.- Dighwara, District- Saran (Chapra).

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Panchayati Raj Department.
2. The Commissioner, Saran at Chapra.
3. The District Magistrate, Chapra, Saran.
4. The District Board, Saran, Chapra through its Chief Executive Officer.
5. The Deputy Development Commissioner-cum-Chief Executive Officer, District Board, Saran, Chapra.
6. The District Engineer, District Board Saran, Chapra.
7. The Sub-Divisional Officer, Sonapur, Saran (Chapra).
8. The Sub-Divisional Police Officer, Sonapur, Saran (Chapra).
9. The Deputy Collector Land Reforms, Sonapur, Saran (Chapra).
10. The Circle Officer, Dighwar, Saran (Chapra).
11. The Officer Incharge, Dighwara Police Station, Saran (Chapra).

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amit Kumar Singh and Mr. Ram Kishore Singh, Advocates
For the Respondent-State	:	Mr. P. N. Shahi, A.A.G. 6 Mr. Dharendra Kumar, A.C. to A.A.G. 6
For the Board	:	Mr. Nilesh Kumar

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 24-07-2017

Heard learned counsel for the petitioner, State and
the District Board, Saran.

2. Pursuant to order dated 05.07.2017, the District



Magistrate, Saran as well as the Sub Divisional Officer, Sonapur are present in Court and have filed their show cause and also counter affidavit.

3. The petitioner had moved the Court being aggrieved by the fact that though the Zila Parishad, Saran had settled a tender in his favour by which he was allowed to build a bamboo bridge at Muaza- Majhaua in Shankar Ghat Road and collect toll from the traffic on the said bridge, but within a little over one month, it was ordered to be stopped. He was further aggrieved by the fact that two similar bridges were built adjacent to the bridge built by him, due to which the traffic on the petitioner's bridge was drastically reduced leading to loss of revenue.

4. Learned counsel for the petitioner submitted that he had paid the Zila Parishad, Saran Rs. 1,10,500/- for a six months period settlement and his entire investment has not given him the due return as the State authorities did not prevent the coming up of two other similar bridges adjacent to the petitioner's bridge and the Zila Parishad, Saran ordering the petitioner to stop the operation of the bridge is arbitrary. It was submitted that despite there being traffic on the route and the period of settlement subsisting, the order to stop collecting fee is nothing short of highhandedness on the part of the authorities. It was further submitted that the District



Administration was also party to the conspiracy as it did not stop two other similar bridges from coming up and also from them collecting toll unauthorizedly.

5. Learned counsel for the State submitted that due to objection from the local villagers, the Zila Parishad had put a stay on collection of any fee from vehicles by the petitioner on his bridge and it was also indicated that if the petitioner desires, he could take back the auction amount in one installment.

6. Learned counsel for the Zila Parishad, Saran submitted that due to frequent change in course of the river, the land/road of the Zila Parishad could not be demarcated for which a request was made to the Sub Divisional Officer, Sonapur to do the same, which has still not been responded to.

7. On a query as to what was the reason for the District Magistrate not filing a counter affidavit as directed earlier in the case, the stand is that the matter was entrusted to the Dealing Assistant but due to him putting up the file late, the counter affidavit could not be filed for which a show cause has been issued and upon receipt of the same, it was rejected and charges are to be framed within a day or two and departmental proceeding initiated shall be taken to its logical conclusion in right earnest expeditiously. Learned counsel for the State as well as the District Magistrate, Saran and the



Sub Divisional Officer, Sonapur have assured the Court that the proceedings shall be conducted with all seriousness and shall not be a mere formality.

8. Having considered the matter in its entirety, in view of the fact that pursuant to an interim order of the Court in the present case, the petitioner has collected the fee for vehicles plying on his bridge, and the offer by the Zila Parishad to refund the entire bid amount, the matter does not require any further order by this Court in the present proceeding. The petitioner shall be returned the bid amount within one week from the date of production of a copy of this order before the respondent no. 5. Further, if the petitioner feels that he has been put to undue loss or harassment, he shall be at liberty to move before the appropriate forum in law for compensation/damages.

9. Coming to the issue of the conduct of the District Magistrate, Saran, the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Saran and the Sub Divisional Officer, Sonapur, the Court was of the opinion that strict orders were required to be passed against them. However, on unconditional apology tendered by the District Magistrate, Saran and the Sub Divisional Officer, Sonapur and assurance given that such instance shall not recur in future, the Court refrains from doing so, for the



present.

10. The writ petition stands disposed off in the
aforementioned terms.

11. Personal appearance of the officers stands
dispensed with.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
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