

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18929 of 2016

=====

Shankar Paswaan, Manager of Adarsh 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 Principal Secretary, Department of Arts, Culture and Youth, Government of Bihar, Patna
2. District Magistrate, Bhagalpur
3. Sub - Divisional office, Bhagalpur
4. Municipal Commissioner, Bhagalpur Municipal Corporation, Bhagalpur

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mrs. Renu Jha, Adv.

For the State : Mrs. Alka Verma

For the Bhagalpur Municipal : Mr. Manish Kumar, Adv.
Corporation

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 13-02-2017

Heard learned counsel for the parties.

In the present case, the petitioner is seeking a relief that he should be granted permission to run Disney Land cum Mela for one month and eighteen days. The Bhagalpur Municipal Corporation, vide letter dated 10.8.2016, granted licence and, in pursuance thereof, he has deposited licence fee as well as other incidental fee, he has also deposited money for electricity but, in spite of huge investment of amount, he could not organize the Disney Land cum Mela on account of intervention of the State Administration.

In the counter affidavit, it has been stated that from all concerned department, no objection was given, when the matter came



before the police, the Senior Superintendent of Police kept the matter pending on account of Durga Puja and Moharram on the ground that there could not be posting of sufficient number of police personnel at the Lajpath Park, Bhagalpur but, after Durga Puja and Moharram, the police administration has granted no objection.

In paragraph no.4 of the counter affidavit, the District Magistrate has admitted that on the basis of recommendation of the Senior Superintendent of Police, Bhagalpur and No Objection Certificate of concerned other Departments, he has no objection in granting the permission. In paragraph no.9 it has been stated that Bhagalpur Nagar Nigam has allotted Lajpat Park Maidan, Bhagalpur to one Sanjay Kumar Pandey from 30.11.2016 to 5.3.2017 without considering the fact that the petitioner has already invested lot of money for fixture and without allowing them to avail the benefit for running the Disney Land cum Mela, it has been granted to one Sanjay Kumar Pandey.

This Court had earlier issued notice to the Bhagalpur Nagar Nigam vide order dated 6.12.2016 but no response has been received by this Court about the action taken by the Commissioner. In that view of the matter, this Court has no alternative way but to pass an order in the matter considering the fact that the petitioner has suffered a lot on account of the fact that he was not allowed to hold Mela



though he has invested huge amount.

In that view of the matter, this Court directs the District Magistrate, Bhagalpur and Municipal Commissioner, Bhagalpur to grant necessary permission and licence to the petitioner for running the Disney Land cum Mela for the period of one month and eighteen days as was granted to him at the earliest.

With the aforementioned observation and direction, this application is allowed.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.02.2017
Transmission Date	

