

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2745 of 2017

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Narendra Kumar, son of Sri Trithnarayan Singh, Resident of Village- Chelchaal,
P.S. Naubatpur, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Nagar Panchayat, Naubatpur through its Chairman, P.S.- Naubatpur, District- Patna.
3. The Executive Officer, Nagar Panchayat, Naubatpur.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Yogesh Chandra Verma, Senior Adv.

For the Respondent No.3: Mr. Gopal Govind Mishra, Adv.

For the State : Mr. Kinkar Kumar, S.C.-9

Mr. Rakesh Kumar Sharma, A.C. to S.C.-9

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 06-04-2017

Heard learned counsel appearing for the respective parties.

2. In this case, a settlement was done between the Nagar Panchayat, Naubatpur and the present petitioner for collecting the toll from the different vendors of the market. It appears that on certain allegations, the resolution was passed for pre-mature termination of settlement, which led to filing of the present writ application.

3. During the pendency of this writ application, the period of settlement has already been expired on 31.03.2017, so the



question of his again bringing back to the original position does not arise and the present writ application has become infructuous.

4. Primarily, the question has been raised by the petitioner that he has not been allowed to complete the work as for certain period he has been deprived of collecting the toll from the vendors and though he has already deposited Rs.11 lakh and odds i.e. total amount of settlement, but but the action of the respondent authorities, has caused financial loss to the petitioner.

5. As the period of settlement is already over, the question of revival of the settlement does not arise. However, the petitioner if so advised, may approach the appropriate authority for proportionate refund of the settlement amount as the period has been curtailed without taking due process. If he does so, the authority concerned shall decide the case of the petitioner in accordance with law.

6. With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	08.04.2017
Transmission Date	N/A.

