

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9891 of 2016

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Sheikha Alamgir Son of late Sheikh Saheb Jaan Resident of Sarya Ward No. 5, PO.
PS & District Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department , Govt. of Bihar, Patna.
2. The Engineer-in-Chief, Road Construction Department , Govt. of Bihar, Patna.
3. The Chief Engineer, North Bihar, Road Construction Department , Bihar, Patna.
4. The Superintending Engineer, Saran Road Circle, Hajipur Bihar.
5. The Executive Engineer, Road Construction Gopalganj, Bihar.
6. The Sub-Divisional Officer, Road Construction, Construction Division Gopalganj.
7. The Junior Engineer, Road Construction , Sub-Division No 1 Gopalganj.
8. The District Magistrate, Gopalganj.
9. The District Supply Officer, Gopalganj.
10. The Bharat Petroleum Corporation Limited, through its Chairman.
11. The Territory Manager(Retail) Bharat Petroleum Corporation Ltd, P.O. Pakri Via Anisabad Patna-800002

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raghib Ahsan, Sr. Adv.
Mr. Shahab Khalil, Adv.
Md. Atif Inam, Adv.

For the R. No. 1 to 9 : Mr. Parijat Saurav, AC to AAG-10

For the R. No. 10 & 11 : Mr. Madhuresh Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 08-03-2017

Heard learned counsel for the petitioner and counsel for the State as also counsel for the Bharat Petroleum Corporation Limited.

In the present case, the basic premise of the dispute is non-return of Rs. 7,10,258/- which the petitioner has deposited as Salami of the land.

Without going much on the merit of the case, it is no



longer a dispute that the petitioner was running a petrol pump and the petitioner had deposited the aforesaid amount for use of the land for commercial purposes but, on account of his illness, he decided to close down the business and he has also communicated this fact to the Oil Corporation as well as to the State Government making a request that the Salami, which he has deposited with the State for using the land for commercial purposes, be returned to him as he is no longer interested to carry out the business.

On 6.3.2017, the State had made a statement that the petitioner has already been paid Rs. 7 lakh but, today learned counsel for the State has fairly submitted that the amount has been approved for payment but, in actuality, has not been paid to the petitioner.

As there is no dispute with regard to return of the amount, let the State Authority should return the amount within a period of two weeks from today failing which the amount of Rs. 7,10,258/- will carry interest at the rate of 9% compound interest.

With the aforementioned observation, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.03.2017
Transmission Date	

