

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 10248 of 2016

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1. Rohtas Zila Parivahan Sangh, Sasaram through its President Mohan Singh Son of Late Ramdeo Singh, resident of village Kushahi, Post Office Sisrita, Police Station Nokha, District Rohtas at Sasaram.
 2. Krishn Mohan Singh, Son of Bijay Kumar Singh, resident of village Semariya, Post Office Barki Mahuli, Police Station Karghar, District- Rohtas at Sasaram.
 3. Harendra Singh, Son of Ram Nath Singh, resident of village Bishrampur, Post Office Chotki Chenari, Police Station Sheosagar, District Rohtas at Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Rohtas at Sasaram.
3. The Executive Officer, Nagar Parishad, Sasaram.
4. The Chairman, Nagar Parishad, Sasaram.
5. The Vice-Chairman, Nagar Parishad, Sasaram.
6. Sashakta Committee, Nagar Parishad, Sasaram.
7. Umesh Kumar Singh, Son of Late Ram Prasad Singh, resident of Mohalla Company Sarai, near Nagarpalika Sasaram, Post Office and Police Station Sasaram, District Rohtas at Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. K. N. Chaubey, Sr. Advocate Mr. Animesh Kumar, Ms. Homa Yunus, Ms. Ritu Priyadarshi, and Mr. Dineshwar Pandey, Advocates
For the State	:	Mr. Amit Prakash, G.A. 3
For the Nagar Parishad	:	Mr. Vijay Shanker Upadhyay, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 03-03-2017

Heard learned counsel for the petitioners, State and
the respondents no. 3 to 6.

The petitioners had approached the Court for a
direction to the respondents not to go ahead with the auction
settlement of Sasaram Bus Stand and further for realization of the
amount, which was collected by the Zila Parishad in the previous



year, from the respondent no. 7.

Learned counsel for the petitioners submitted that for the settlement of the year 2015-16, the Zila Parishad itself had managed the Bus Stand in question and the revenue was Rs. 34,00,000/-, whereas in the present year, the settlement was made only for Rs. 29,57,900/-. Learned counsel submitted that once in the previous year, the revenue collected was Rs. 34,00,000/-, the settlement for the year 2016-17, for an amount more than Rs. 4,00,000/- below what was the revenue generated the previous year, is clearly not proper, indicating that there may be some extraneous consideration and ultimately it has caused loss to the State exchequer.

Learned counsel for the State has filed counter affidavit as well as supplementary counter affidavit on behalf of respondent no. 2. From the same, it transpires that the bid amount was fixed taking into consideration the reserved amount fixed for the previous year with 10% increase, but in the present case, since in the year 2015-16, nobody had come forward for settlement on the reserve price fixed, the affairs were managed departmentally by the Nagar Parishad and though the amount may be Rs. 34,00,000/-, but it does not take into consideration the cost of manpower etc. of the Nagar Parishad for managing the Bus Stand inasmuch as, the persons deputed for the purposes, the salary paid to them as well as the fact



that as it is, there is paucity of hands in the Nagar Parishad and, thus, the work of collection of Municipal Tax was hampered.

Learned counsel have also submitted that in the present case, though after fixing the reserve price, and settlement made, the Nagar Parishad wanted to increase the price in view of the previous year's revenue of Rs. 34,00,000/-, the successful bidder, i.e., respondent no. 7, had moved the Court in C.W.J.C. No. 6454 of 2016, which was disposed off by order dated 26.04.2016, with a direction that the settlement, as per the original terms be made with him and pursuant to the same, he was given the settlement and the amount has been paid by him.

In view of the aforesaid position, in the considered opinion of the Court, the petitioners, not having objected to the initial fixation of the reserve price and preferring to challenge the same only when the settlement has been finalized, cannot be permitted to do so. However, since initially, the Court was persuaded to by the submissions of learned counsel for the petitioners that there appears to be loss to public exchequer as the amount for which the Bus Stand was settled was quite less than the collection for the previous year, subsequently, the situation having been explained, the Court does not find any deliberate fault or laches on the part of the Nagar Parishad authorities in settlement of the said Bus Stand. Moreover, the period



expiring by the end of month, i.e., 31st March, 2017, whereafter fresh settlement is required, the Court is not inclined to interfere in the matter.

Accordingly, the writ petition stands disposed off.

However, the Nagar Parishad is directed to ensure that the settlement is made in time and in a manner in which there is maximum generation of revenue to the Nagar Parishad, in accordance with law.

The Court expects that the process would be completed in time so that actual settlement to the successful party is made before the start of the period i.e., 1st April, 2017.

(Ahsanuddin Amanullah, J.)

P. Kumar

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