

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.366 of 2016

IN

Civil Writ Jurisdiction Case No. 9942 of 2015

- =====
1. Deepak Kumar, Son of Kishori Thakur, Holding the Shop No. 40/86-87, At- Goyenka College Road, P.O. + P.S. + District- Sitamarhi.
 2. Manju Devi @ Manju Gupta, Wife of Late Bindeshwari Prasad, Holding the Shop No. 56/86-87. At- Goyenka College Road, P.O. + P.S. + District- Sitamarhi.
 3. Ghan Shyam Prasad @ Ghanshyam Kumar Prasad, Son of Late Ram Tanam Prasad, Holding the Shop No. 55/86-87, At- Goyenka College Road, P.O. + P.S. + District- Sitamarhi.
 4. Harihar Prasad, Son of Jagn Nath Prasad, Holding the Shop No. 52, At- Goyenka College Road, P.O. + P.S. + District- Sitamarhi.

.... Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Collector at District- Sitamarhi.
3. The Deputy Collector, Incharge Khash Mahal at Sitamarhi, District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shiv Shankar Prasad Yadav
For the Respondent/s : Mr. Kinkar Kumar, SC 27

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 16-08-2017

Seeking exception to an order dated 30th October, 2015 passed by the learned Writ Court in CWJC No. 9942 of 2015, this appeal has been filed under Clause 10 of the Letters Patent, in the matter of allotment of shops in question by the Collector of Sitamarhi.

The Writ Court found that even though the appellants claimed to be allottees of the shops and the prayer made in the writ



petition was that the shops were allotted to them but on scrutiny of the materials which came on record, the learned Writ Court found that the petitioners had not deposited the rent for the shops in question and in spite of notice issued after calculation of rent the same was not deposited and once it was found that the petitioners were defaulters in the matter of payment of rent, the Writ Court refused to interfere into the matter.

We see no error in the discretion exercised by the learned Writ Court warranting reconsideration.

This appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

mrl./-

(Anil Kumar Upadhyay, J)

AFR/NAFR	NAFR
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