

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6961 of 2015

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Dr. Kamal Deo Sharma son of Late Saryug Sharma resident of Village Baijnathpur,
Police Station Saurbazar, District- Saharsa.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Bihar, Patna.
2. The Zila Parishad, Saharsa through the Chief Executive Officer, Zila Parishad, Saharsa.
3. The Chief Executive Officer, Zila Parishad, Saharsa-cum-Deputy Development Commissioner, Saharsa.
4. The Sub-divisional Officer, Sadar Saharsa.
5. Rajniti Paswan, Executive Magistrate, sadar Saharsa.
6. The Station House Officer, Sadar Police Station, Saharsa.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Khatim Reza, Adv.

For the Respondent/s : Mr. Partha Sarthi- GA11

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 27-08-2018

Despite repeated calls, no one appears on behalf of the petitioner to press this writ petition.

2. The present writ petition has been filed by the petitioner for quashing Memo No. 412-2 dated 04.11.2010 whereby and whereunder the Deputy Development Commissioner-cum-Chief Executive Officer of Zila Parishad, Saharsa had directed to demolish the dispensary shop of the petitioner within three days.



3. The petitioner has averred in the writ petition that he being an Ayurvedic Doctor filed an application before the respondent no.3 on 01.07.2010 for allotting a piece of land of Zila Parishad in order to run his ayurvedic clinic. Pursuant to the recommendation of the office of Zila Parishad, Saharsa, the respondent no.3 vide Memo No. 268-2 dated 07.07.2010 issued office order for allotting the space to the petitioner for a period of eleven months with certain conditions like making a temporary structure of 20 ft./15ft. (i.e., 300 sq. ft.) @ Rs. 3/- per sq. ft. payable per month to Zila Parishad, Saharsa and with a condition of renewing the allotment. He further stated that on 29.10.2010, the respondent no. 4 issued a show cause notice to the petitioner as to why pacca structure has been raised on the said piece of land which is contrary to memo no. 268-2 dated 07.07.2010 and why allotment of the said space should not be cancelled. The petitioner filed his reply to the show-cause notice on 30.10.2010 but the respondent no. 3 rejected his show cause reply and further, by memo no. 412-2 dated 04.11.2010 had directed to demolish the dispensary shop of the petitioner within three days.

4. Since nobody has pressed the application and, admittedly, the allotment was made to the petitioner by Zila Parishad for eleven months only vide memo no. 268-2 dated 07.07.2010, the period of allotment has already expired. It is not known as to



whether or not cause of action still survives.

5. In that view of the matter, the application is dismissed accordingly.

(Ashwani Kumar Singh, J)

Kanchan/SkSuman.

AFR/NAFR	NAFR
CAV DATE	NA
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