

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7430 of 2016

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Kapildev Prasad Son of Ramagya Prasad Resident of village - Surha, P.S.
Motihari Mufassil, District - East Champaran at Motihari

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Motihari, East Champaran
3. The Chief Engineer, East Champaran
4. Deputy Development Commissioner Cum the Executive Officer, Jila Parishad, East Champaran
5. The Chairman Jila Parishad, East Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma
For the Respondent/s : Mr. Gp22- Gyan Prakash Ojha

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 09-10-2018 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Zila Parishad.

The petitioner has filed the present writ petition for quashing memo no.39 dated 30.01.2016 through which the allotment of the shop of the petitioner has been cancelled.

Case of the petitioner is that he was allotted shop no.19 at Kuari Chowk, Motihari on 12.07.1999. Thereafter, he developed the same with his own money and also started paying rent etc. in this regard. By way of issuance of impugned notice dated 30.01.2016, as contained in Annexure-3 to the writ petition, the allotment of the shop of the petitioner has been cancelled on the ground of non-payment of rent of Rs.38,400/-. It is pleaded that the petitioner is continuously seeking



permission for deposit of the rent but the same is not being paid.

Learned counsel for the Zila Parishad submitted that since the petitioner had defaulted in payment of rent for 13 years, the Zila Parishad had cancelled the allotment of his shop on 30.01.2016 and by now the petitioner has already been evicted from the shop.

Respondent nos. 4 and 5 have also filed their counter affidavit stating therein that since the petitioner failed to deposit arrears of rent amount to Rs.38,400/- despite service of various notices, his allotment was cancelled and he was directed to vacate the shop.

The averments made in the counter affidavit have not been controverted by the petitioner. In that view of the matter, since the petitioner was defaulter for a substantial period of time, I do not find any illegality in the action of the respondent Zila Parishad whereby notice was issued to the petitioner informing him that allotment of his shop has been cancelled.

Accordingly, the writ petition, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

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