

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13846 of 2017

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Md. Rahim, Son of Late Md. Azeez, Resident of Mohalla- Hathsarganj, P.S.-
Hajipur Town, District- Vaishali.

.... Petitioner

Versus

1. The State of Bihar.
2. The Collector, Vaishali at Hajipur.
3. The Chairman, District Level Monitoring Committee, Vaishali at Hajipur
through the District and Sessions Judge, Vaishali at Hajipur.
4. The Chairman, Nagar Parishad, Vaishali at Hajipur.
5. The Executive Officer, Nagar Parishad, Vaishali at Hajipur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sanchay Srivastava, Advocate
Mr. Kumar Rakesh Chandra, Advocate
For the Respondent-State : Mr. Rajiv Roy, GP-1
Mr. Suresh Kumar, AC to GP-1
For the Respondent-Corp.: Mr. Kumar Manish, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 26-09-2018

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed by the
petitioner for quashing the order as contained in Memo No.3088
dated 04.09.2017 issued under the signature of the Executive



Officer, Nagar Parishad, Vaishali at Hajipur whereby and whereunder the settlement of motorcycle stand in front of Collectorate and civil court, Vaishali at Hajipur has been cancelled.

3. Learned counsel for the petitioner submitted that settlement was made with the petitioner for five years and without there being any adverse remark against him and without giving him any personal hearing, in view of resolution taken by the Empowered Standing Committee dated 01.09.2017, the settlement has been cancelled. He submitted that the order impugned has been passed in complete violation of the principle of natural justice.

4. On the other hand, learned counsel appearing for the State and learned counsel appearing for the Hajipur Nagar Parishad submitted that in the agreement itself it was specifically stipulated that the agreement may be cancelled at any time and in that case, rest of the amount shall be returned.

5. It has also been submitted on behalf of the respondents that in the meeting of the District Level Monitoring Committee headed by the District Judge, Hajipur, it was resolved to take steps for shifting the parking stand from the front of Civil Court and Collectorate premises, as it was causing inconvenience to the members of the bar, litigants and offices of the court as well



as it adversely affecting the court proceedings.

6. A counter affidavit has also been filed on behalf of respondent nos. 2 and 5 wherein it has been stated that despite the order dated 04.09.2017 passed by the Nagar Parishad, Hajipur, the petitioner continued with issuing parking slips at motorcycle stand whereafter, vide office Letter No.3713 dated 07.11.2017, he was asked to immediately stop the same and provide his bank account so that rest of the proportionate amount to be returned to him. The office letter No.3713 dated 07.11.2017 has been brought on record and marked as Annexure-R-5/A to the counter affidavit.

7. Having heard the parties and considered the pleadings advanced on behalf of the them, since the term of agreement itself stipulated that the settlement may be cancelled at any time and a resolution was taken in the meeting by District Level Monitoring Committee headed by the District Judge for removal of the motorcycle stand from the front of the civil court premises, as it was causing inconvenience in the court proceedings and the Nagar Parishad is willing to return the proportionate amount, I am not inclined to interfere with the impugned order.

8. In that view of the matter, the writ petition is disposed of with a direction to the Hajipur Nagar Parishad to forthwith return the proportionate amount realized from the



petitioner for settlement of the motorcycle stand in question.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.10.2018
Transmission Date	NA

