

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12153 of 2015

Shiv Shankar Kumar S/O- Shri Chandeshwar Prasad Singh, resident of
village- Bhelwa, P.O.P.S.- Hasua, District- Nawada

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Department of Panchayati Raj, State of Bihar, Patna.
2. The Principal Secretary, Department of Panchayati Raj, State of Bihar, Patna
3. The District Magistrate, Nawada
4. The District Board, Nawada
5. The Dy. Development Commissioner Cum Chief Executive Officer, District Board Nawada
6. The Chief Engineer, District Board, Nawada

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Bankey Bihari Singh, Advocate Mr. Sanjay Kumar, Advocate Mr. Shailendra Prasad, Advocate
For the Respondent/s	:	Mr.Nirbhay K.Singh

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-04-2019 It appears from perusal of the writ application that the petitioner in the present case had submitted his application for allotment of a shop in the campus of District Board, Nawada. In the writ application the petitioner claims that he had made the application in terms of an advertisement.

It further appears that the petitioner had moved this court earlier in CWJC No. 11168/2001 which was heard and disposed of by learned coordinate Bench of this court vide order dated 07.09.2001. The operative part of the order dated 07.09.2001 reads as under: -



“The petitioner has filed the present writ application for a direction to the respondent-authorities to allot a shop to him.

It is stated that the petitioner has applied and deposited the part of the money.

From the materials on the record, it is not clear as to whether any advertisement was made for settlement of the shop in question in terms of the rules. In absence of any material, no direction can be given in the writ application, except to observe that it will be open for the petitioner to approach the Deputy Development Commissioner-cum-Chief Executive Officer, Nawadah, for redressal of his grievance, along with a copy of this order and in that case the Deputy Development Commissioner-cum-Chief Executive Officer, Nawadah, will consider and dispose of the matter in accordance with law.

With the aforesaid observation, this writ application stands disposed of.”

Learned counsel for the petitioner submit that pursuant to the aforesaid order the petitioner had filed an application in the office of the Deputy Development Commissioner and other authorities vide Annexure ‘2’ to the writ application but the same has not been considered.

Learned counsel for the petitioner submits that the respondents had sent a bank draft bearing no. 069726 dated 09.04.2013 for Rs. 40,000/- which the petitioner refused to receive because the respondent had kept the amount for about



18 years up to the year 2013 and they were returning only the principal amount.

In the given facts and circumstances of the case, this court would direct the Deputy Development Commissioner-cum-Chief Executive Officer, Nawada to look into the grievance of the petitioner in the light of the order 07.09.2001 passed by the learned coordinate Bench of this court in CWJC No. 11168/2001 and take a decision thereon. In case, the petitioner is not found entitled to get a shop in accordance with law and it is found that the money deposited by him is still lying with the District Board, the Deputy Development Commissioner-cum-Chief Executive Officer, Nawada shall pass an appropriate order for refund of the amount of the petitioner with bank interest thereon for the period the money has remained with the District Board, Nawada.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U			
---	--	--	--

