

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.185 of 2017

In
Civil Writ Jurisdiction Case No.24122 of 2013

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Madho Devi, Wife of Late Birendra Sah, Resident of Village- Sonbarsa Raj,
Police Station- Sonbarsa, District-Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar through Arbind Kumar Choudhary, the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. Kuldeep Narayan, the Director, Panchayati Raj Department, Government of Bihar, Patna.
3. Binod Singh Gunjiyal, Son of Not Known, District Magistrate, Saharsa.
4. The Zila Parishad, Saharsa, through Daroga Yadav, the Executive Officer, Zila Parishad, Saharsa.
5. Daroga Yadav, Son of Not Known, Deputy Development Commissioner cum the Chief Executive Officer, Zila Parishad, Saharsa.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Satish Kumar Singh, Adv. Mr. Dinesh Maharaj, Adv.
For the Opposite Party-State:		Mr.Mritunjay Kumar, AC to AAG-6
For the Zila Parishad	:	Mr. Nikesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT

Date : 10-04-2019

Heard Mr. Satish Kumar Singh, learned counsel appearing for the petitioner and Mr. Nikesh Kumar, learned counsel appearing for the Zila Parishad, Saharsa.

A supplementary show cause is filed on behalf of the Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Saharsa who is also in attendance before this Court, namely, Mr. Rajesh Kumar Singh. Let it be taken on record.

It is in reference to the show cause filed on behalf of Zila Parishad, Mr. Nikesh Kumar informs that no issue of



contempt is made out because the original allotment made to the petitioner vide Annexure 1 had already taken its effect and a shop was constructed thereon in the name of Divyam Traders as manifest from Annexure 'F'. He submits that the direction so present in the order of this Court passed on the writ petition arising from CWJC No. 24122 of 2013 in so far as it directs the Executive Officer, Zila Parishad, Saharsa to allow the petitioner to construct the shop on the land allotted vide Annexure 1 which is the subject matter of agreement at Annexure 1 to the writ petition stands complied because a shop is running thereon.

He further informs that this Court while passing the order on the writ petition had directed the Zila Parishad to consider the plea of the petitioner for extended space as per the allotment present at Annexure 2 to the writ petition which allotment has also taken its effect because the petitioner has been permitted to make use of that extended space allotted to him in 1997 as manifest from order dated 12.03.2019 at Annexure 'C' to the show cause earlier filed in the present proceeding, which order has been modified vide a subsequent order passed on the same day i.e. 12.03.2019 by restricting the petitioner to make any opening in the extended portion because as per the allotment, the extended portion is relatable to the earlier allotted shop and is not an independent shop. He submits that the reasons for such corrigendum is because



of the passage which runs through shop and in case any opening is made by the petitioner, it would obstruct the movement of traffic within the passage.

It is in reference to these enclosures to the show cause earlier filed on behalf of the Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Saharsa as well as the supplementary show cause filed today in compliance of the order passed by this Court in the present proceeding on 28.03.2019 that Mr. Nikesh Kumar submits that no cause survives in the present proceedings.

I have heard learned counsel for the parties and I perused the records and although Mr. Singh, learned counsel appearing for the petitioner yet tries to pursue the matter for providing an opening in the extended portion so allotted by the Zila Parishad vide Annexure 2 to the writ petition and a copy of which is also placed at Annexure 'E' to the supplementary show cause filed today, but considering that the additional area that has been provided to the petitioner under Memo No.334 dated 10.12.1997 is in fact an extension of the earlier allotment, any prayer made in this regard by the petitioner is misconceived.

It is informed by Mr. Nikesh Kumar, learned counsel appearing for the Zila Parishad that the petitioner is in default in payment of the rent for the allotment of extended portion made



through Memo No.334 dated 10.12.1997.

Mr. Singh, learned counsel appearing for the petitioner submits that the petitioner is a widow of the original allottee and would take necessary steps for clearing the past dues.

Let the petitioner appear before the Deputy Development Commissioner cum Chief Executive Officer, Zila Parishad, Saharsa on Monday next i.e. 15th of April, 2019 whereupon he shall inform the petitioner about the arrears of dues which shall be cleared by the petitioner within a reasonable time.

With the observation above, the contempt application is disposed of.

(Jyoti Saran, J)

skpathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.04.2019
Transmission Date	NA

