IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No.7168 of 2013

Bhuneshwar Tiwari ... ... Petitioner

Versus

The State of Jharkhand & Anr. ... ... Respondents

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioner : Mr. K.S.Nanda, Advocate
For the Respondent-State : Ms. Diksha Dwivedi, AC to AAG-I

12/Dated 9th December, 2020

The matter has been heard through video conferencing with the consent of the learned counsel for the parties. They have no complaint about any audio and visual connectivity.

Heard learned counsel for the parties.

Mr. Kripa Shankar Nanda, learned counsel appearing for the writ petitioner, at the outset, has submitted that that Prayer Nos. 1(i), (ii) & (iii) are not being pressed since the same have become infructuous due to efflux of time. So far as Prayer No. 1(iv) is concerned, the same pertains to issuance of direction upon the respondents to refund the license fee and security deposits of shops settled as a pre-condition along with interest.

Miss Diksha Dwivedi, learned A.C. to A.A.G.-I has submitted by referring to the stand *inter alia* taken by the respondent State in the supplementary counter affidavit filed on 09.02.2016 disputing the aforesaid claim. It has further been submitted that otherwise also, this Court sitting under Article 226 of the Constitution of India may

not exercise the said power as because the question of refund of the license fee and security deposits of shops along with interest depends upon the adjudication of the factual aspect for which alternative forum is available under the Bihar and Orissa Act, 1915.

Upon this, Mr. Nanda, learned counsel for the petitioner seeks leave to withdraw this writ petition with a liberty to move before the alternative forum for redressal of the grievance.

The said submission has not been objected by the learned counsel appearing for the respondent State.

In that view of the matter, the writ petition is allowed to be withdrawn.

Accordingly, the writ petition is dismissed as withdrawn.

However, with the liberty to the writ petitioner to search out the alternative remedy available for redressal of the aforesaid grievance as referred in Prayer No.1(iv) of the writ petition.

If such petition would be filed, the forum will decide the issue after hearing the affected parties, if any, in accordance with law.

The writ petition is accordingly disposed of.

(Sujit Narayan Prasad, J.)

Birendra/-