

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.174 of 2020

In

Civil Writ Jurisdiction Case No.7430 of 2016

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Kapildev Prasad Son of Ramagya Prasad Resident of village - Surha, Police
Station- Motihari Mufassil, District - East Champaran.

... .. Appellant/s

Versus

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

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Dhurendra Kumar, Advocate
For the Respondent/s	:	Mr.Pushkar Narain Shahi (Aag6)
		Mr. Raghwanand
		Mr. Sanjay Kumar, Advocates

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

**(The proceedings of the Court are being conducted through
Video Conferencing and the Advocates joined the proceedings
through Video Conferencing from their residence.)**

Date : 29-07-2021

Heard learned counsel for the parties.

Aggrieved by the judgment and order dated 09.10.2018

passed in CWJC No. 7430 of 2016, passed by learned Single

Judge, appellant-petitioner has preferred this letters patent appeal.

Appellant had filed the writ petition for setting aside the order dated 30.1.2016 issued by Deputy Development Commissioner –cum- Executive Officer, Zila Parishad, East Champaran by which shop no.19 at Kuari Chowk, Motihari allotted to appellant was cancelled.

Briefly stated the case of appellant is that he was allotted shop no.19 at Kuari Chok, Mothiari on 12.7.1999 on the basis of agreement entered between the parties and appellant defaulted in payment of rent and never paid any rent for last 13 years and in spite of several notices for payment of rent, he failed to pay the rent and arrears of rent became Rs.38,400/- till December, 2015 and, accordingly, in terms of agreement the allotment of shop was cancelled by the order as impugned in the writ petition.

Appellant has already been evicted from the shop and present LPA has been filed after unexplained and inordinate delay of 468 days.

After hearing the parties, this Court does not find any infirmity or error in the order passed by the learned Single Judge, requiring any interference by this Court.

Accordingly, the LPA is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
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