

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.466 of 2019

In
Civil Writ Jurisdiction Case No.5267 of 2018

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Sunil Kumar Gupta Son of Raghunandan Modi Resident of Village-Jjhandi,
Police Station - Jamui, District - Jamui.

... ..(writ petitioner) Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Government of Bihar, Patna.
2. The Urban Development Commissioner, Bihar, Patna.
3. The District Magistrate, Jamui.
4. The Sub Divisional Magistrate, Jamui.
5. The Zila Parishad Jamui through its Chairman.
6. The Deputy Development Commissioner- cum-Chief Executive Officer, Zila Parishad, Jamui.
7. The Executive Magistrate-cum-Executive Officer, Nagar Parishad, Jamui.
8. Sri Jai Prakash Sao Son of Naresh Sao Resident of Purani Bazar, Jamui, Police Station - Jamui, District - Jamui.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun Kumar, Advocate
For the Respondent/s : Mr. Yogendra Prasad Sinha (Aag7)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 20-02-2021

Heard the parties.

Aggrieved by the judgment and order dated 13.03.2019
passed in C.W.J.C. No.5267 of 2018 passed by learned Single
Judge of this Court dismissing the writ petition, the appellants
have preferred this appeal.

Appellant has filed writ petition for direction to



respondent authorities not to vacate him from the shop no.54 of Zila Parishad, Jamui situated at kachahari Road, Maharajganj, Jamui as same is in possession of appellant for last more than 15 years with a further prayer to settle/allot said shop in his favour.

Briefly stated the facts of the case is that 54 shops were constructed by the side of Kachahari Road, Maharajganj by Zila Parishad, Jamui in the year 1998 and out of which, shop no.54 was allotted to Jai Prakash Sao (respondent no.8) vide agreement dated 19.5.1998, however, allottee sub-let the shop no.54 to the appellant in January, 2003 on payment of rent of the shop.

Respondent no.8 asked and thereafter threatened the appellant to vacate the shop and thereafter appellant filed a petition on 28.2.2018 to the Deputy Development Commissioner stating therein that he is doing his business in said shop no.54 since 2002-03 and, as such, said shop may be allotted in his favour.

Notice dated 8.3.2018 was issued to appellant by sub-divisional officer (respondent no.4) in respect of his unauthorized occupation of the shop as in terms of agreement entered between the Zila Parishad and original allottee the allotted shop cannot be sub-let otherwise allotment will be



automatically cancelled.

Learned Single Judge has dismissed the writ petition of petitioner for the reason that appellant entered into the shop of Zila Parishad in contravention of Clause 2 of the rent agreement as such, Zila Parishad had initiated action against him for his unauthorized possession of the shop and such action initiated by Zila Parishad for vacating appellant from his unauthorized occupation cannot be deemed to be without jurisdiction or illegal requiring any interference by High Court in its writ jurisdiction.

This Court does not find any error or infirmity in the order passed by learned Single Judge and, accordingly, this LPA is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
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