

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14694 of 2021

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M/s Deo Pharma (Generic Drug Shop) through its Proprietor Suresh Prasad
age-74 Male S/o-Late Kesho Ram R/o Malahi Pakri, Gayatri Nagar,
Sampatchak, (Lohiya Nagar) P.S.-Kankarbagh, District-Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal secretary Health, Govt. of Bihar,
Patna.
2. The Principal Secretary, Health, Govt. of Bihar, Patna.
3. The Executive Director, State Health Society, Bihar Pariwar Kalyan
Bhawan, Patna-800014
4. The Superintendent, Patna Medical College and Hospital, Patna-7

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Surendra Kumar Singh, Advocate
For the State	:	Mr. Mujtabaul Haque, GP-12 with Mr. Manish Kumar AC to GP-12

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

**(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH)**

6 20-12-2021 Heard learned counsel for the petitioner and the learned
counsel for the respondent- State.

2. The petitioner is seeking following reliefs:-

*“(i) To issue any appropriate writ, order
or direction commanding the Respondent
Superintendent to pay a suitable compensation
to the petitioner for the loss and damages caused*



due to the arbitrary and whimsical actions undertaken by the respondent Superintendent in the matter of Demolition of the Generic Medical Shop of the petitioner will all his belongings including Computer, Freeze Almirah, Desk, Chairs and valuable Medicines without any notice, show cause or even any information to the petitioner.

(ii) To issue further appropriate, writ, order or direction also directing the Respondent Superintendent to make available/ give similar suitable shop to the petitioner in the campus of the P.M.C.H under the same terms and conditions as it was.

(iii) To issue an appropriate writ order or direction to return all the materials such as Computer, Freeze Almirah, Desk, Chairs and other valuable Medicines to the petitioner forthwith.

(iv) This Hon'ble Court may adjudicate and hold that for the action of the Respondents demolishing the shop of the petitioner and removing the materials such as Computer, Freeze Almirah, Desk, Chairs and valuable Medicines and cash from the Generic Medicine shop of the petitioner without any notice, show cause or even any information to the petitioner is act of malafide and arbitrary exercise of the authority by the Respondents.

(v) This Hon'ble Court may further adjudicate



and hold that petitioner is entitled for the suitable compensation for the loss and the damages caused to the petitioner due to whimsical ex-Parte demolition of the Generic Medicine shop of the petitioner.

(vi) This Hon'ble Court may adjudicate and hold that Respondents in the peculiar facts and the circumstances are duty bound to provide alternative Place for the Generic Medical Shop of the petitioner in the campus of the PMCH itself.

(vii) To award the cost of litigation and suitable compensation for the loss and the damages caused by the Respondents to the integrity and the loss to the business of the petitioner.

(viii) To award any other relief or reliefs as your Lord ship may deem fit and proper in the facts and circumstances of the case.”

3. A copy of the proforma agreement dated 13.12.2008 for setting up Generic Medical shop in the said Medical College has been brought on record by way of Annexure. Clause 8 of which provides for settlement of disputes.

4. There being clear provision in the agreement itself for settlement of disputes, in our opinion, this writ application seeking nature of relief, as noted above, cannot be entertained. The petitioner shall, however, be at liberty to invoke the said



settlement Clause of the agreement in accordance with law
before appropriate authority/forum.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

shyambihari/-

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