

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2084 of 2021

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Pankaj Kumar S/o Late Vashishth Narayan Chaudhary Resident of Village-
Bhatawalia, PS- Saraiya, District- Muzaffarpur Petitioner/s
Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department,
Government of Bihar, Patna.
3. The Mayor, Municipal Corporation, Muzaffarpur.
4. The Deputy Mayor, Municipal Corporation, Muzaffarpur.
5. The Municipal Commissioner, Municipal Corporation, Muzaffarpur.
6. The Deputy Municipal Commissioner, Municipal Corporation, Muzaffarpur.
7. The Incharge, Stall Branch, Room No. 4, Municipal Corporation,
Muzaffarpur.

... .. Respondent/s

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

Appearance :

For the Petitioner/s : Mr. Nirbhay Prashant, Adv.
For the Respondent/s : Mr. Subhash Prasad Singh (GA-3)

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

Date : 28-06-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- a. For quashing of Memo No. 2073 dated 24.11.2018, issued under the signature of The Municipal Commissioner, Municipal Corporation, Muzaffarpur (Respondent No. 5) whereby and where under rent of the shop has been enhanced arbitrarily up to 200%, i.e., from Rs. 4/S.ft to Rs. 8/S.ft for Kuchcha shop and from Rs.

7/S.ft to Rs. 14/S.ft for Pukka shop, which is against the natural justice.

b. For directing the Respondent authorities to renew the lease agreement of the poor shopkeepers of Bank Road, Muzaffarpur on their earlier lease agreement.

c. Any other relief/s for which the petitioner is entitled for in the eye of law.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a

representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to approach the Court, if the need so rises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits. All issues are left open;

(h) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode,

unless the parties otherwise mutually agree to meet in person i.e.
physical mode;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed
of.

(Sanjay Karol, CJ)

(S. Kumar, J)

sushma/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30-6-2021
Transmission Date	NA