

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2225 of 2021

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Mahesh Yadav aged about 47 years S/o Late Mani Yadav R/o Main Bazar,
Rajgir, Police Station-Rajgir, District-Nalanda

... **Petitioner**

Versus

1. The State of Bihar through the Principal Secretary, Department of Housing and Urban Development, Government of Bihar, Patna
2. The Principal Secretary, Department of Urban Development and Housing Government of Bihar, Patna.
3. The Collector Nalanda.
4. The Sub Divisional Office Rajgir, Nalanda.
5. The Nagar Panchayat Rajgir, Nalanda through its's Executive Officer, Rajgir, Nalanda.
6. The Executive Office Nagar Panchayat, Rajgir, Nalanda.

... .. **Respondents**

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Appearance :

For the Petitioner	:	Mr. J.S.Arora, Senior Advocate and Mr.Manoj Kumar, Advocate
For the Respondents	:	AC to Mr. Lalit Kishore, AG, Bihar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-02-2021 Heard learned counsel for the petitioner and the State.

Petitioner has prayed for commanding the respondents, particularly respondent no.5, the Executive Officer, Nagar Panchayat Rajgir, Nalanda to extend the period of settlement, as mentioned in the Parwana having been issued in regard to settlement of parking space at Rajgir Kund within the District of Nalanda, for a further period of one year, commencing from 1.4.2021 to 31.3.2022. Alternatively, he has prayed for refund of entire amount deposited by him pursuant to



finalization of settlement of the parking space at Rajgir Kund in his favour amounting to Rs.30 lacs with bank interest thereon.

Learned counsel appearing for the petitioner submits that pursuant to notice inviting application for settlement of *sairat* through open bid, petitioner applied for settlement of parking space of Kund of Rajgir for financial year 2020-21. A copy of notice is contained in Annexure 1 to the writ petition. The petitioner deposited a sum of Rs.3,41,600/- as a security deposit and on finalization of bid on 17.3.2020 at Rs.49 lacs in his favour, the petitioner deposited a sum of Rs.30 lacs towards first installment of the bid amount. A copy of bid sheet is contained in Annexure 2 to the writ petition. Respondent no.5 purportedly issued provisional *parwana* through letter dated 31.3.2020 to the petitioner, but the same was served upon him on 25.6.2020. A copy of memo dated 31.3.2020 is contained in Annexure 3 to the writ petition.

It is the case of the petitioner that due to pandemic of Covid-19, the entire country was put under lockdown and except the essential services, all other activities including two famous fairs, namely, Shravani Mela and Malamas Mela, used to be held during August to September every year in which people from across the country visit and take bath in the Kund



and as such being the main source of collection of parking charges, could not take place due to prohibition made by the respondent authorities, specially up to 30.11.2020. Facing the unforeseen circumstances in collecting the parking charges, petitioner made several representations to the Executive Officer, Nagar Panchayat Rajgir, Nalanda either to extend the period of settlement or to refund the settlement money deposited by him but the respondent authorities have not considered petitioner's representation till date. Learned counsel for the petitioner submits that respondent no.5 may be directed to consider the petitioner's representations and to pass appropriate order in accordance with law as well as keeping in view the aforesaid prevailing position.

Considering the facts and circumstances of the case, liberty is granted to the petitioner to file a fresh representation to the respt no.5 within a period of two weeks from today raising the issues made in the writ petition. If such representation is filed by the petitioner, the same should be disposed of by respt no.5 considering the fact that due to prohibition made by the respondent authorities during lockdown with respect to movement of people, the fair activities near the Kund remained closed for a quite sometime which affected the collection of



parking charges, within a period of four weeks thereafter.

Writ petition stands disposed of with the aforesaid
directions.

(Prabhat Kumar Singh, J)

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