

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6980 of 2021

Reshmi Singh, W/o Anil Kumar Singh, Resident of Mohalla - Bypass Road,
Ward No. 36, Gulabbagh, P.S. - Gulabbagh, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Agriculture Department, Government of Bihar, New Secretariat, Patna.
2. The Administrator, Agriculture Market Committee, (Dissolve), Patna Bhawan, Bailey Road, Patna.
3. The Agriculture Produce Market Committee, Gulabbagh Purnea through SOD-cum-Special Officer, Sadar, Purnea.
4. The Sub-Divisional Officer-cum-Special Officer, Purnea.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 7541 of 2020

Ashutosh Kumar, S/o Sri Ram Rai, Resident of Village- City Road, Hansda,
P.S. Sadar, District Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Agriculture Department, Government of Bihar, New Secretariat, Patna.
2. The Administration, Agriculture Market Committee (Dissolve), Ram Bhawan, Bailey Road, Patna.
3. The Agriculture Produce Market Committee, Gulabbagh Purnea through SDO cum Special Officer, Sadar, Purnea.
4. The Sub- Divisional Officer-cum- Special Officer, Purnea.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 6980 of 2021)

For the Petitioner/s : Mr. Vijay Anand, Advocate

For the Respondent/s : Mr. Raghwanand (GA11)

(In Civil Writ Jurisdiction Case No. 7541 of 2020)

For the Petitioner/s : Mr. Vijay Anand, Advocate



For the Respondent/s : Mr. Pawan Kumar, AC to AG

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

Date : 08-03-2022

The petitioner in CWJC No. 6980 of 2021 has prayed
for the following relief/s :-

- (i) For issuance of an order/orders/
directions or writs specially writ in the
nature of mandamus commanding the
respondent authority to cancelled the
entire auction process including notice
(paper advertisement) dated 13.2.2020
issued under the signature of Respondent
No.4 for allotment of 10 shops in M-block
of Agriculture Produce Market Committee
(Dissolved) Gulabbagh Purnea which was
held on 30.3.2020 in the district Purnea
on the ground of discriminatory /
arbitrary/ unnatural/ unhumanistics
approach of the concern authority.



- (ii) For issuance of a direction to re-allot the same through open lottery system amongst the participants who have filled-up the applications forms in terms of advertisement dated 13.2.2020 for allotment of 10 shops in M-Block in the Campus of Agriculture Produce Market Committee (Dissolve) Gulabbagh Purnea on a reasonable/Fair rent i.e. approximately Rs.7.30 per sq.ft. and not on the basis of higher bidding systems because these shops constructed for the purpose of Welfare of the farmers and agriculturist and not for the business purpose.
- (iii) For another alternative remedy to refund the earnest money in case the Respondent Authority failed to allot the aforesaid shop to the petitioner.
- (iv) For any other relief/s for which the petitioner is entitled in the facts and circumstances of the case.

The petitioner in CWJC No. 7541 of 2020 has prayed for the following relief/s :-



- (i) For issuance of an order/orders/ directions or writs specially writ in the nature of mandamus commanding the respondent authority to cancelled the entire auction process including notice (paper advertisement) dated 13.2.2020 issued under the signature of Respondent No.4 for allotment of 10 shops in M-block of Agriculture Produce Market Committee

(Dissolved) Gulabhabh Purnea which was held on 30.3.2020 in the district Purnea on the ground of discriminatory / arbitrary/ unnatural/ unhumanistics approach of the concern authority.

- (ii) For quashing the office order No.566 dated 23.12.2016 issued by the Respondent No.1 by which a decision has been taken to allot the shop situated in the campus aforesaid committee on the basis of auction (higher bidding system) which is against the welfare scheme of the state, as the said committee was formed for the welfare of Agriculturist/farmers.
- (iii) For issuance of a direction to re-allot the same through open lottery system amongst the participants who have filled-up the applications forms in terms of advertisement dated 13.2.2020 for allotment of 10 shops in M-Block in the Campus of Agriculture Produce Market



Committee (Dissolve) Gulabbagh Purnea on a reasonable/Fair rent i.e. approximately Rs.7.30 per sq.ft. and not on the basis of higher bidding systems because these shops constructed for the purpose of Welfare of the farmers and agriculturist and not for the business purpose.

- (iv) For another alternative remedy to refund the earnest money in case the Respondent Authority failed to allot the aforesaid shop to the petitioner.
- (v) For any other relief/s for which the petitioner is entitled in the facts and circumstances of the case.

After the matter was heard for some time, finding the Bench not to be agreeable with the submissions made by learned counsel for the petitioners, learned counsel for the petitioners, under instructions, states that petitioners will be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioners will 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 petitioners, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, both the petitions stand disposed of on the following terms:-

(a) Petitioners will 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) The order assigning reasons shall be communicated to the petitioners;

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

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(f) Equally, liberty is reserved to the petitioners to



take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) We are hopeful that as and when petitioners take 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;

(h) Liberty reserved to the petitioners to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

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

Both the petitions stand disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	11.03.2022
Transmission Date	

