

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3448 of 2022

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Arvind Mandal Son of Gopal Mandal Resident of Ward No. 5, Lohar Patti
Road, Police Station-Kishanganj, District-Kishanganj.

... .. Petitioner

Versus

1. The State of Bihar through the Chairman Zila Parishad, Kishanganj.
2. The District Magistrate, Kishanganj, District-Kishanganj.
3. The Zila Parishad through its Chairman Kishanganj, District-Kishanganj.
4. The Executive Officer, Nagar Parishad, Kishanganj, District-Kishanganj.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha, Adv.
For the Respondent-State : Mr. Shankar Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

Date : 29-07-2022

In the present application, the petitioner has challenged the notice dated 03.12.2021 as contained in Annexure-4 to the writ application whereby respondent no. 4 the Executive Officer, Nagar Parishad, Kishanganj has directed the petitioner to deposit the remaining amount of Rs. 1,80,000/- (one lac eighty thousand) for settlement of Budha Nehru Shanti Park, Kishanganj, failing which a certificate proceeding shall be initiated against him.



2. Learned counsel for the petitioner submitted that Budha Nehru Shanti Park, Kishanganj was settled in favour of the petitioner for the year 2020-2021 and total amount of Rs. 3,60,000/- (three lacs sixty thousand) had to be deposited by the petitioner against the settlement in auction. Out of the said total amount of Rs. 3,60,000/-, the petitioner deposited Rs. 1,80,000/- in the office of Nagar Parishad Kishanganj. The period for which the settlement was made commenced from 01.04.2020 and ended on 31.03.2021. He contended that due to nationwide lock-down announced by the Central Government w.e.f. 24.03.2020 owing to COVID-19 Pandemic, the park could not be opened and there was no park visitation as a result of which the petitioner suffered huge monetary loss. Since he had no income, he could not deposit the remaining amount of Rs. 1,80,000/-. He submitted that the demand being made by the respondent-Nagar Parishad, Kishanganj is arbitrary as the authorities are fully aware that the park was shutdown during the period for which the settlement was made in favour of the petitioner.

3. Per contra, Mr. Shankar Kumar, learned counsel for the State submitted that the petitioner has come against the notice issued to him by the Nagar Parishad, Kishanganj. He



contended that instead of approaching this Court, the petitioner could have explained his position before the Executive Officer, Nagar Parishad, Kishanganj, who would consider the matter and pass order in accordance with law.

4. Having heard the parties, we are not inclined to entertain this application merely on notice having been issued by the Executive Officer, Nagar Parishad, Kishanganj.

5. The petitioner may file a comprehensive reply to the impugned notice before the respondent no. 4 Executive Officer, Nagar Parishad, Kishanganj stating therein the reason for non payment of the remaining amount to be paid to the Nagar Parishad.

6. In case, such a reply is filed by the petitioner before the respondent no. 4 Executive Officer, Nagar Parishad, Kishanganj within four weeks from today with a copy of the order passed by this Court, respondent no. 4 shall be required to consider the same and pass a reasoned order on such representation and send a copy of the same to the petitioner by registered post on his postal address.

7. In case, the petitioner would aggrieved by the order of the Executive Officer, Nagar Parishad, Kishanganj on his representation, he would be at liberty to challenge the same in



accordance with law.

8. With the aforesaid observations and directions, the application is disposed of.

(Ashwani Kumar Singh, J)

(Shailendra Singh, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02-08-2022
Transmission Date	NA

