

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4377 of 2022

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M/s Rastriya Advertising Agency, Represented by Arvind Kumar, Age-58,
Male, S/o Late Ram Narayan Prasad, Resident of Church Road Christian
Quarter, P.S. - Bettiah, District - West Champaran, Presently Residing at Sai
Carnation Apartment, Kankarbagh Main Road, Bahadurpur Gumti, Near
Indian Oil Petrol Pump, Panta, P.S. - Kankarbagh, Dist. - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Additional Chief Secretary Health, Govt. of Bihar, Patna.
2. The Additional Chief Secretary Health 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.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate
For the Respondent/s : Mr. Pankaj Kumar, SC 12

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

2 22-04-2022 The matter has been heard *via* video conferencing.

Heard learned counsel for the parties.

The petitioner has filed this writ petition seeking a
writ in the nature of certiorari for quashing Memo No. 1425
dated 23.02.2022 whereby and where under, the respondent



Superintendent of PMCH has declared the shop allotted to the petitioner as unauthorized and has further ordered to vacate the shop in three days, failing which the District Administration would take necessary steps.

At the outset, we have put a query to learned counsel for the petitioner whether he would be satisfied if liberty is granted to him to invoke Clauses 8, 8.1 and 8.2, of the agreement, learned counsel for the petitioner is agreeable to this proposal. We, thus, reproduce Clauses 8, 8.1 and 8.2 of the agreement, which reads as under:

“8. SETTLEMENT OF DISPUTES

8.1 Amicable Settlement

The parties shall use their best efforts to settle amicably all disputes arising out of or in connection with this agreement or the interpretation thereof.

8.2 Dispute Settlement

Any dispute between the Parties as to matters arising pursuant to this agreement which cannot be settled amicably within thirty (30) days after receipt by one Party of the other Party's request for such amicable settlement may be submitted by either Party for settlement to the Development Commissioner whose decision shall be final.”

Under the circumstances, we dispose off the writ petition with liberty to the petitioner to invoke the aforesaid Clauses. In case, the petitioner does so within two weeks from today, an effort shall be made that the proceedings culminate



within a fixed time frame in any case not beyond four weeks.

Learned counsel for the petitioner has also made a plea that an alternative site be allotted to him. He is permitted to raise his plea before the Dispute Resolution Forum.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

P. Kumar

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