

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11709 of 2021

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1. M/s Khwaza Fruit and Vegetable, Bazar Prangan, Sardha Chapra, through its Proprietor Md. Moijuddin @ Moinuddin, aged about 48 years, Gender- Male, Son of Neyajuddin, Resident of Mohallah- Gudri Bazar, P.o.- Gudri Bazar, P.s.- Bhagwan bazar, District- Saran at Chapra, Pin Code- 841301
 2. M/s Anand Vegetable, Bazar Prangan, Sardha Chapra, through its Proprietor Tuntun Prasad, aged about 57 years, Gender- Male, Son of Late Jagarnath Prasad, Resident of Muhallah- Mouna Mishir Toli, P.o.- Chapra, P.s.- Chapra Town, District- Saran, Pin Code- 841301

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Department of Agriculture, Government of Bihar, Patna
3. The Agricultural Product Commissioner, Department of Agriculture, Government of Bihar, Patna
4. The Administrator, Bihar State Agricultural Marketing Board (Dissolved), Pant Bhawan, Jawahar Lal Nehru Marg, Patna
5. The Collector -cum-District Magistrate, Saran at Chapra
6. The Special Officer-cum-Sub Divisional Officer the Agricultural Produce Marketing Committee (Dissolved), Sardha, Chapra, District- Saran at Chapra
7. The Competent Authority relates to the Agricultural Produce Marketing Committee (Dissolved), Sardha, Chapra, District- Saran at Chapra

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate

For the Respondent/s : Mr. Raghwanand, GA-11



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

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**(The proceedings of the Court are being conducted by
Hon'ble the Chief Justice/ Hon'ble Judges through
Video Conferencing from their residential
offices/residences. Also, the Advocates and the Staffs
joined the proceedings through Video Conferencing
from their residences/offices.)**

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Date : 07-01-2022

Heard learned counsel for the parties.

The petitioners have prayed for the following relief/s :-

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(i) For issuance of appropriate writ(s),
order(s), direction(s) to the
respondents to made land settlement in
favour of the petitioners in view of
their comprehensive representations
which is based on a verdict of this
Hon'ble Court, passed in C.W.J.C. No.
4176 of 2011 vide order dated
17.06.2013 which is contained as
Annexure-5 to this writ application



whereupon Respondent No. 6 settled land by his order dated 02.02.2015 which is contained as Annexure-7 to this writ application in favour of writ petitioners who are license holder for running their business/ trade at respective places in the campus of Bazar Samittee, Sardha, Chapra under the Chapra Sadar Circle in the district of Saran.

(ii) And further for directing the concerned respondent i.e. respondent No. 6 to consider the claim of the petitioners as similar treatment in view of the aforesaid prayer and their locus because they have been got licenses in 2003-04, 2004-05 which are numbered as license No. 41 of 2003-04 and license No. 22 of 2004-05 respectively which are contained as Annexure-1 & 2 of the writ petition for running their petty shops in the campus of the aforementioned market/ bazar samittee which are only source of their livelihood.

(iii) And also directing the concerned respondent i.e. respondent No. 6 to taking notice/ cognizance in view of Annexure-3 series whereby petitioners requested to him for settlement of their allotted land, whereupon balance rent amount & security deposit were taken by competent authority for the further process.

(iv) And also for directing the respondent authorities to maintained the mandates



of Article, 14, 19, 21 and 301 of the constitution of India.
(v) And also for issuance of any other writ(s), order(s), direction(s) to which the petitioners may deem just proper and necessary in view of the facts and circumstances discussed hereinafter.

After the matter was heard for some time, 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 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) Petitioners will approach the authority concerned i.e Respondent No. 6, namely the Special Officer-



cum-Sub Divisional Officer the Agricultural Produce Marketing Committee (Dissolved), Sardha, Chapra within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The said authority 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 petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) 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;

(f) Liberty reserved to the petitioners to approach the appropriate forum, if the need so arises 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)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	10.01.2022
Transmission Date	

