

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17362 of 2021

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Piyush Priyadarshi Son of Sri Digvijay Singh Resident of Dumaria Bhatta
Ward No. 29, P.S.- Kishanganj, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban and Housing Development Department, Govt. of Bihar, Patna.
2. The District Magistrate, Kishanganj.
3. The Sub Divisional Officer, Kishanganj.
4. The Executive Officer, Nagar Parishad, Kishanganj.
5. The Chairman, Nagar Parishad, Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Abdul Wadood, Advocate
For the Respondent/s	:	Mr.Subash Prasad Singh (GA3)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(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.)

Date : 29-01-2022

Heard learned counsel for the parties.

2. Petitioner has prayed for the following relief(s).

“I) For issuance of an appropriate writ/writs or direction in the nature of mandamus commanding and directing the respondents Executive Officer, Nagar Parishad, Kishanganj to hand over the possession and keys of

Shouchalaya (Toilet and Latrine) of Veer Kunwar Singh Bus Stand Kishanganj forthwith.

Pursuant to very short terms tender for settlement of Sairat of Veer Kunwar Singh Bus Stand, Kishanganj being highest bidder, the authority Letter No. 09 was issued to petitioner for the year 2021-2022 for collection of rent of bus stand of Kishanganj on Rs. 1000000.00/- till date the latrine and toilet (Shouchalaya) situated in campus of bus stand has not been given even on repeated request made by the petitioner and on other hand they are demanding rest bid amount which cause at least 30 thousand Rs. Per month.

II) further for issuance of an direction to the respondent to dispose of representation dated 12.07.2021 filed by petitioner for handing over possession of latrine and toilet situated in Bus stand Kishanganj.

III) For any another relief/reliefs for which the petitioner is entitled to.”

3. After the matter was heard for some time, finding the Bench not to be agreeable with the submissions made by learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned i.e. **(Respondent No. 4, the Executive Officer, Nagar Parishad, Kishanganj)** to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

4. Learned counsel for the respondents states that if

such a representation is filed by the petitioner, 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.

5. Statement accepted and taken on record.

6. As such, petition stands disposed of in the following terms:-

(a) Petitioner shall 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 four months from the date of its filing along with a copy of this order;

(c) The order assigning reasons shall be communicated to the petitioner;

(d) Needless to add, while considering such representation, 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 petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) We are hopeful that as and when petitioner takes 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 petitioner 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;

(j) 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;

7. The petition stands disposed of in the aforesaid

terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	