

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20459 of 2021

=====

Shashi Ranjan Singh Son of Binod Prasad Singh Resident of Senapath,
Behind Nagar Nigam, P.S.- Town, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department,
Government of Bihar, Patna.
3. The Mayor, Municipal Corporation, Muzaffarpur.
4. The Deputy Mayor, Municipal Corporation, Muzaffarpur.
5. The Municipal Commissioner, Municipal Corporation, Muzaffarpur.
6. The Deputy Municipal Commissioner, Municipal Corporation, Muzaffarpur.
7. Alok Verma, the Incharge, Stall Branch, Room No. 4, Municipal
Corporation, Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Nirbhay Prashant, Advocate
For the Respondent/s : Mr. Yogendra Pd. Sinha, AAG-7

=====

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

=====

Date : 07-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- i. For quashing of the Memo No. 1739 dated 10.09.2021
issued under the signature of the Municipal
Commissioner, Municipal Corporation, Muzaffarpur
(Respondent No. 5) whereby and where under
proceedings on the representation (Annexure-10) given



- in the light of CWJC No. 2084 of 2021 has been kept in abeyance in haste against the principal of natural justice without issuing any notice to the parties concerned.
- ii. For quashing of Memo No. 2073 dated 24.11.2018 (Annexure-3), issued under the signature of the Municipal Commissioner, Municipal Corporation, Muzaffarpur (Respondent No. 5) whereby and where under rent of the shop has been enhanced arbitrarily up to 200%, i.e., from Rs. 4/S.ft. to Rs. 8/S.ft. for *Kuchcha* shop and from Rs. 7/S.ft. to Rs. 14/S.ft. for *Pukka* shop, which is against the natural justice.
 - iii. And consequent upon the quashing of Annexure-12 & 3, a direction may be given to the Respondent authorities to renew the lease agreement of the poor shopkeepers of Bank Road, Muzaffarpur on the terms of earlier lease agreement.
 - iv. Any other relief/s for which the petitioner is entitled for in the eye of law.

3. After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned 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) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

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

(e) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(f) We are hopeful that as and when petitioner takes



recourse to such remedies, as are otherwise available in law, before the appropriate forum/court, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(g) Liberty reserved to the petitioner to approach the appropriate forum, if the need so arises subsequently on the same and subsequent cause of action;

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

(i) 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)

P.K.P./Amrendra

AFR/NAFR	
CAV DATE	
Uploading Date	13.01.2022
Transmission Date	

