

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18234 of 2019

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Devendra Prasad, Son of Late Abhicharan Prasad, Resident of Village-Kharjama, P.S.-Ekangarsarai, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary of Co-operative Department, Government of Bihar, Patna.
2. The District Officer, (District Magistrate), Nalanda.
3. The Sub-Divisional Officer, Hilsa, Nalanda.
4. The Block Development Officer, Ekangarsarai, Nalanda.
5. The Chairman/Managing Working Committee, Bayaparmandal, Ekangarsarai, Nalanda.
6. The Assistant Registrar, Sub Division, Hilsa, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the Respondent/s : Mr. Manoj Kumar Ambastha, SC-26

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-12-2022

Heard learned counsel for the parties.

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

1. That this is an application praying for issuance writ/writs certiorari or appropriate in nature for direction to the Respondents to prepare new agreement of the shop no. 4 of Bayaparmandal situated at Ekangarsarai District Nalanda in the name of the petitioner



father of the petitioner in year 1998 who died on 17.02.2010 after death of the father of the petitioner is conducting business in this shop and after partition among the brothers of the petitioner by way of Panchnama this shop has been given in share of the petitioner.

It is the petitioner's case that even though the shop in question was formally allotted in his father's name but, however, post 17th of February, 2010, the date on which his father expired, application for transfer of the shop was filed, which is now pending consideration with Respondent No. 5, namely, the Chairman/Managing Working Committee, Bayaparmandal Ekangarsarai, Nalanda. It is also alleged that the petitioner has been depositing the rent, though the receipt is being issued in the name of the original allottee i.e. his deceased father.

We are of the considered view that the petition,



as prayed for, can be disposed of with a direction to Respondent No. 5, namely, the Chairman/Managing Working Committee, Bayaparmandal Ekangarsarai, Nalanda to consider the petitioner's request for transfer of the allotment in the petitioner's name, should there be no dispute *inter se* the legal heirs of the original allottee.

Petitioner claims to be in possession of the shop in question.

Outstanding amount due and payable as rent shall be cleared by the petitioner.

Respondent No. 5, namely, the Chairman/Managing Working Committee, Bayaparmandal Ekangarsarai, Nalanda shall take action within a period of three months from the date of receipt/production of a copy of this order.

Liberty reserved to the petitioner to approach the Court, should the need so arise subsequently.

The instant petition stands disposed of in the aforesaid terms.



Interlocutory Application(s), if any, shall stand
disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	09.12.2022
Transmission Date	

