

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5833 of 2017

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Surendra Kumar Son of Late Parmeshwar Shaw, Resident of Mohalla Betwan Bazar, Argara Road, Fulbaria, P.S.- Kashim Bazar, District- Munger.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Khas Mahal Officer, Munger.
3. The Municipal Corporation, Munger, through its Chairman Mayor Smt. Kumkum Kumari. null null
4. Smt. Kumkum Kumari, Chairman, Municipal Corporation, Munger.
5. The Municipal Commissioner, Municipal Corporation, Munger.
6. Sri Shankar Pd. Sharma Son of Late Ram Chandra Sharma, Resident of Mohalla Bindwara Sharma Toli, P.S.- Kaim Bazar, District- Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sachin Kumar, Advocate
For the Respondent/s	:	Mr. Kinkar Kumar- Sc9
	:	Ms. Deepika Sharma, AC to SC-9
For the Corporation	:	Mr. Anjani Kr., Sr. Advocate
	:	Mr. Amit Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 03-04-2023 Heard learned counsel for the petitioner, learned counsel for the State along with learned Senior counsel for the Corporation Mr. Anjani Kumar assisted by Mr. Amit Kumar Jha.

Learned Senior counsel for the Corporation straightaway draws the attention of the Court to order dated 28.02.2023, whereby the learned counsel for the petitioner was directed to file a supplementary affidavit bringing on record the documentary evidence based on which the petitioner is claiming that the shop in question was sold to him by the legal heir of the



person with whom the Corporation had entered into an agreement with respect to the shop in question.

The order dated 28.02.2023 records - The learned counsel for the petitioner submits that a lock has been put in the shop of the petitioner which he has purchased from the original allottee. It is next submitted that the original allottee in pursuance of a scheme framed by the Municipality had constructed a shop at his own cost, thereafter, the shop was allotted to him based on rent. It is next submitted that the original allottee died, thereafter, his legal heirs sold the said shop to the present petitioner after seeking permission of the Municipality. It is next submitted that, thereafter, the petitioner started depositing rent to the Municipality and was even ready to pay the enhanced rent, but the enhanced rent was not accepted and a lock was put on the shop which grieves the petitioner.

It was in this background that the learned counsel for the petitioner was directed to file a supplementary affidavit bringing on record the relevant documentary evidence based on which the petitioner claims that the shop belongs to him.

Today, when the matter is taken up, the learned counsel for petitioner submits that a supplementary affidavit has



been filed online on 29.03.2023, but the same is on record, but then the learned counsel for the petitioner has supplied the hard copy of the supplementary affidavit.

From perusal of the supplementary affidavit, it appears that except for pleading there are no documentary evidence on record to even remotely suggest that as to how the petitioner purchased the shop in question, the supplementary affidavit does not annex any document relating to the agreement which was entered in between the Municipality and the father of the vendor of the petitioner, the permission sought by the vendor of the petitioner from the Municipality before selling the shop.

These are basic documents which are required based on which the Municipality could have been directed to file their response in absence of such relevant documents, the writ application is bereft of any merit and thus stands dismissed.

(Satyavrat Verma, J)

GauravSinha/-

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