

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.647 of 2018

=====

Manoj Kumar Chaudhary Son of Sheojee Chaudhary, Resident of Village-
Sarfuddinpur, P.S.- Bochahan, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar,
Patna.
3. District Magistrate-cum-Collector, Muzaffarpur.
4. Additional Collector, Muzaffarpur, District- Muzaffarpur.
5. Deputy Collector Land Reforms Muzaffarpur, East, District- Muzaffarpur.
6. Anchal Adhikari, Anchal Bochahan, District- Muzaffarpur.
7. Sub-Divisional Officer, Muzaffarpur, East Muzaffarpur.
8. Superintendent of Police, Muzaffarpur.
9. S.H.O. P.S. Bochahan, District- Muzaffarpur.
10. Arbind Kumar Singh,
11. Ajay Kumar Singh, Both sons of Late Nagendra Singh, Respondent no.10 to
11 resident of Village- Maidapur, P.S.- Bochahan, District- Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Arun Kumar
For the State	:	Mr. W. A. Khan, AC to C 25
For Res. Nos. 10/11	:	Mr. Kunwar Ajit Singh

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

9 25-01-2023 Gudri Hat, in the district of Muzaffarpur, was settled

in favour of the petitioner for the period 27.03.2017 to

31.03.2018, for a total bid amount of Rs. 9,66,745/-, out of

which, the petitioner deposited Rs. 5,80,047/- and Rs. 50,000/-

(total, Rs. 6,30,047/-).

The submission of learned Counsel for the petitioner

is that the Hat, in question, continued smoothly for about three



to four months, but suddenly respondent nos. 10 and 11 intervened and they unauthorizedly started a Hat, adjacent to the Hat of the petitioner, due to which, the petitioner suffered loss and, accordingly, he did not deposit the balance bid amount of Rs. 3,36,698/-. He further submits that the State authorities lodged First Information Report against respondent nos. 10 and 11 for their illegal action, bearing Bochaha Police Station Case No. 16 of 2018.

The contention of the petitioner, in nutshell, is that the petitioner is not liable to pay the balance bid amount to the State and the respondent-Collector be restrained from realizing the balance bid amount from the petitioner.

On the other hand, learned Counsel for the respondent nos. 10 and 11 denies the allegation of the petitioner and submits that respondent nos. 10 and 11 were settled with the Hat by the District Magistrate, Muzaffarpur in Atwarpur; whereas the petitioner was settled the Hat in Gopalpur and the distance between both the Hats is more than three kilometers. As such, respondent nos. 10 and 11 did not interfere with the business of the petitioner.

Learned Counsel for the State submits that Title Suit No. 11 of 2023 has been filed by the official respondents against



the respondent nos. 10 and 11 and others for seeking permanent injunction on the illegal Hat being run by the respondent nos. 10 and 11. Referring to the first counter affidavit filed by the District Magistrate, Muzaffarpur, learned Counsel for the State submits that certificate case has been filed by the Circle Officer, Bochaha under the P.D.R. Act for realization of the balance bid amount from the petitioner inasmuch as despite several notices, the petitioner did not deposit the balance bid amount.

I have heard learned Counsel for the parties concerned and have gone through the materials available on record.

From the facts as narrated herein above, it is clear that rival claims have been made by the petitioner as well as respondent nos. 10 and 11. It is also admitted that the petitioner has not paid the balance bid amount of Rs. 3,36,698/- and for realization of the said amount, a certificate case has been instituted against the petitioner.

Accordingly, in my opinion, if the petitioner has any grievance and/or objection with regard to the aforesaid balance bid amount, he is at liberty to take objection before the Certificate Officer in accordance with law.

With the aforesaid observation, this writ application is



disposed.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

U	√		
---	---	--	--

