

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11094 of 2018

Om Prakash Sahu Son of late Baiju Lal Sahu Resident of Naya Tola, Ward No. 02, P.S. Chanpatiya and District West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Deputy Development Commissioner, Bettiah, West Champaran.
3. District Magistrate, West Champaran, Bettiah.
4. Chairman, Nagar Panchayat, Chanpatiya, West Champaran.
5. Executive Officer, Nagar Panchayat, Chanpatiya, West Champaran.
6. Nagar Panchayat Chanpatiya through its Executive Officer, Chanpatiya, West Champaran.
7. Chairman, Nagar Panchayat Chanpatiya, West Champaran.
8. Empowered Standing Committee, Nagar Panchayat, Chanpatiya through its Chairman, Nagar Panchayat Ch
9. Bimla Devi Wife of Dinanath Prasad Resident of Ward No. 6, Chanpatiya Nagar Panchayat, West Champaran, Chairman of the Nagar Panchayat Chanpatiya, West Champaran.
10. Anshu Bihari Son of Man Mohan Rai Resident of ward No. 15 Chanpatiya Nagar Panchayat, West Champaran, Vice Chairman, Nagar Panchayat Chanpatiya.
11. Sajarul Nisha Wife of Sheikh Aslam Member Empowered Standing Committee, resident of Ward no. 10, Chanpatiya Nagar Panchayat, West Champaran
12. Mira Devi Wife of Ravinder Kumar Jaiswal Member Empowered Standing Committee, Ward no. 11, Chanpatiya Nagar Panchayat, West Champaran
13. Madhav Prasad Son of Gopal Mahto Member Empowered Standing Committee, Ward no. 12, Chanpatiya Nagar Panchayat, West Champaran
14. Ramesh Kumar Son of late Suresh Prasad Ex- Ward Commissioner ward no. 4, Nagar Panchayat, Chanpatiya, West Champaran.
15. Kanhaiya Sahu Son of late Yogendra Sahu Resident of Naya Tola, Ward No. 02, P.S. Chanpatiya , West Champaran.
16. Ejaj Quraishi Son of Kalam Quraishi Resident of Ward no. 8, Chanpatiya Nagar Panchayat, West Champaran.
17. Sudhir Kumar Son of Acche Lal Prasad Resident of Ward no. 2, Chanpatiya Nagar Panchayat, West Champaran.
18. Lal Babu Jaiswal Son of late Bhola Prasad Resident of Ward no. 4, Chanpatiya Nagar Panchayat, West Champaran.
19. Gopal Jee Prasad Son of late Videshi Prasad Resident of Ward no. 6, Chanpatiya Nagar Panchayat, West Champaran.
20. Munna Prasad Son of Shiv Shankar Prasad Resident of Ward no. 3,



Chanpatiya Nagar Panchayat, West Champaran.

21. Bind Patel @ Binda Patel Son of late Yaddu Patel Resident of Ward no. 2, Chanpatiya Nagar Panchayat, West Champaran.
22. Annirudh Prasad Son of late Ramanand Prasad Resident of Ward no. 5, Chanpatiya Nagar Panchayat, West Champaran.
23. Rajkumar Prasad Son of late Updesh Prasad Resident of Ward no. 5, Chanpatiya Nagar Panchayat, West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ganpati Trivedi, Sr. Advocate
	:	Mr. Madan Mohan, Advocate
	:	Mr. Pallavi Pandey, Advocate
	:	Ms. Aishwarya Shree, Advocate
For the Respondent/s	:	Mr. Rajiv Roy -Gpl
For Nagar Parishad	:	Dr. Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 02-05-2023 Heard learned counsel for the petitioner Ms. Aishwarya Shree, learned counsel for the State along with learned counsel for the Chanpatiya Nagar Panchayat, West Champaran, Mr. Amitesh Kumar.

The learned counsel for the petitioner submits that the present writ application has been filed seeking quashing of the allotment of the shop in question on the basis of agreement entered in between the Executive Officer, Chanpatiya Nagar Panchayat and the private respondents and further for a direction upon the respondent Nagar Panchayat to allot the shop to the petitioner on basis of his position in register maintained by the Nagar Panchayat, or through any other procedure maintaining the transparency in the matter of allotment of shop



amongst the eligible persons afresh. The learned counsel next submits that an advertisement was published relating to allotment of 18 shops in Ward No. 4, Chanpatiya Nagar Panchayat in daily newspaper Prabhat Khabar on 5.02.2018, fixing the last date of the receipt of duly filled up application as 07.02.2018.

The learned counsel submits that petitioner being eligible in all respects applied in pursuance of the said advertisement within time, it is next submitted that altogether 86 applications were received till 12.02.2018. The learned counsel next submits that the name of the petitioner figured at Serial No. 2 in the Register maintained in the Office of Nagar Panchayat Chanpatiya, for allotment of the shop in pursuance of the aforesaid advertisement. The learned counsel next submits that despite petitioner having all the requisite qualification and his name finding place at Serial No. 2, still the shop was not allotted to him rather the same was distributed amongst the beneficiary of ward councilors and other high-ups.

The learned counsel for the Chanpatiya Nagar Parishad submits that he had a telephonic conversation with the Executive Officer, Chanpatiya Nagar Panchayat on 1.05.2023 and sought instruction in the matter on which the Executive



Officer instructed him that he will take a fresh decision in the matter in accordance with law and in the event, if the petitioner is eligible for being allotted a shop, the same shall be done. The learned counsel next submits that he talked to the Executive Officer, Nagar Panchayat, Chanpatiya on 01.05.2023 from his Mobile No. 9334105203 on his Mobile No. 9939894928 at 06.30 PM.

The Court relies on the submissions made by the learned counsel appearing for the Nagar Panchayat, Chanpatiya and thus disposes of the present writ application with a direction to the Executive Officer, Nagar Panchayat, Chanpatiya to take a decision in accordance with law expeditiously preferably within a period of three months from the date receipt/production of a copy of this order, in accordance with law.

(Satyavrat Verma, J)

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