

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5121 of 2019

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Kunwar Pratik Singh S/o Pramod Singh Resident of - Koiri Tola, Adarsh
Conony, Ward No. 37, P.s.-Bettiah, Distt.-West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar/ through Principal Secretary, Panchati Raj Department,
2. The District Magistrate West Champaran
3. The District Development Officer West Champaran
4. The Chief Executive Officer Zila Parishad, West Champaran
5. The Sub Divisional Officer Bettiah, West Champaran
6. Md. Emamul Haque S/o Enamul Haque Mohalla- Mahawat Toli, P.s.-
Bettiah, Distt.-West Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Bimlesh Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Subodh Kr. Jha, Advocate
		Mr. Ashok Kumar Gupta, Advocate
		Mr. B.N. Mishra, Advocate
For the State	:	Mr. Satya Vrat, AC to GP10

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 23-06-2023 The petitioner prays for and is allowed to correct the

name/designation of respondent no. 3 from District

Development Officer to Deputy Development Officer in course

of the day.

Heard learned counsel for the petitioner and the State.

This is an application for invoking the writ
jurisdiction of this Hon'ble Court for grant of following reliefs:

(i) for issuance of a writ, order, direction for commanding
and directing the respondent the Chief Executive Officer, Zila



Parishad, West Champaran to give possession of Shop No. 129 as the shop has allotted in name of petitioner's father namely Shri Pramod Kumar Singh s/o- Anirudh Singh and the rent of the shop has been paying by the petitioner till date. Whereas One Md. Emamul Haque the respondent no. 6, is illegally running the shop in shop no. 129, without any authority;

(ii) for issuance of writ or any other appropriate writ, order, direction to the respondent authorities to act in view of the order dated 03.09.2016, passed by District Public Grievances Redressal Officer, West Champaran, (Annex-1) as well as Memo No. 139 dated 26.07.2017 (Annex-4);

(iii) for grant of any other relief or reliefs as the petitioner may entitle and deem fit and proper.

A counter affidavit on behalf of the respondent nos. 3 and 4 is on record, it is important to take into account paragraph 5 and 6 of the said counter affidavit which read as follows:

5. That, instant writ application has been filed for delivery of possession of shop No. 129. Shop No. 129 was earlier allotted in the name of Pramod Kumar Singh son of Anirudh Singh, the father of the petitioner and the rent of the shop is being paid by the petitioner up till



now. One Md. Imamul Haque respondent No. 6 has illegally occupied the shop and running his business and that very shop without any basis.

6. That, respondent No. 3 and 4 has already issued memo No. 160 dated 04.09.2017 by which requested the respondent No.5 Sub-Divisional Magistrate, Bettiah to take necessary action for vacation of shop No. 129.

It is unfortunate that in a counter affidavit filed in 2022, it has been stated that on 04.09.2017, request has been made to the respondent no. 5, the Sub-Divisional Officer, Bettiah to take necessary action for vacating the shop no. 129.

This Court is constrained to observe that the respondent nos. 3 and 4 namely, the Deputy Development Officer and Chief Executive Officer, Zila Parishad, Bettiah have not even gone through the statement of facts before putting the same on record in as much as they were duty bound to inform the Court about the action that was taken pursuant to the letter issued in 2017.

Accordingly, the writ petition stands disposed of with a direction to respondent no. 3 to take immediate decision in the



matter and in any case within four weeks from today, if the same has not still been taken in view of the categorical statement made in paragraph 5 and 6 of its counter affidavit.

The order has been passed in presence of respondent no. 6 and since as per the documents on record, he is the alleged encroacher, he may also be heard before an appropriate order is passed.

(Rajiv Roy, J)

Jagdish/kiran/-

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