

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3715 of 2019

Om Prakash Kedia son of Banwarilal Kedia resident of Malgodam road near (Station road Ward No.8 UCO Bank),Kahgaria,P.S- and district- Khagaria at present residing at 704 Srinagar Sindensi Bandhi Pas V.I.P Road Vesu,Surat City Surat,State-Gujrat

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary,Urban Development Department,Patna Bihar
2. The District Magistrate, Khagaria
3. The Chairman, Nagar Parishad,Khagaria
4. The Executive Officer, Nagar Parishad,Khagaria
5. The Tax Collector, Nagar Parishad, Khagaria
6. Vikash Kumar son of Pashupati Poddar resident of Dannagar,ward No.3,P.S-Town (Khagaria),District- Khagaria

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ranjan Kumar Singh, Advocate
For the Respondent/s	:	Mr. Krishna Chandra, Advocate
		Mr. Binod Kumar, Advocate
For the State	:	Mr. Rakesh Ambastha, A.C.to AAG-7

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 23-06-2023 Heard Learned counsel for the petitioner and learned counsel representing the Respondent nos. 3 to 5 as also the other respondents are present.

The petitioner has preferred a writ application invoking the writ jurisdiction of the following reliefs:-

(i) for issuance of writ in the nature of certiorari or any other appropriate writ to set aside the order dated 04.08.2018 passed by the Executive Officer, Nagar Parishad, Khagaria, which is illegal;



(ii) for issuance of writ in the nature of mandamus or any other appropriate writ commanding the respondents to take appropriate step in the matter of settlement of stall and direct to enquiry in accordance with law and to do settlement of stall no. A20W in favour of petitioner;

(iii) for holding that without given a reasonable opportunity or notice set aside the settlement of stall No.A 20 w and settled the shop (Stall) in favour of trespasser i.e. private respondent no.6 is illegal;

(iv) for issuance of any other appropriate writ, order or direction which the petitioner is entitled in the facts and circumstances of the case.

Learned counsel for the respondent no. 3 to 5 concedes that the order in question was passed without asking for any show cause from the petitioner. He as such submits that the respondents will amend the matter.

In view of the said submission put forward by the learned counsel appearing on behalf of the respondent no. 3 to 5, the order dated 04.08.2018 passed by the Executive Officer, Nagar Parishad, Khagaria (Annexure-4 to the writ petition) is quashed.

The petitioner shall appear before the concerned



authority alongwith his fresh representation within a period of four weeks from today who shall take a decision within next four weeks.

The writ petition stands disposed of with the aforesaid averment.

Needless to say, since the shop in question was allotted to respondent no. 6 who is presently the occupant of the said shop, he shall also be given a chance of hearing before a fresh order is passed.

(Rajiv Roy, J)

Jagdish/kiran/-

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