

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22070 of 2014

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Sunil Kumar Singh son of Late Chandradev Singh resident of Village -
Bahuara, P.O. Bahuara, P.S. - Deo and District - Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Aurangabad.
3. The Additional Collector, Aurangabad.
4. The Sub Divisional Officer, Aurangabad.
5. The Circle Officer, Circle-Deo and District - Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anirudh Kumar Verma, Adv.
	:	Mr. Vyas Kr. Mishra, Adv.
For the Respondent/s	:	Mr. Bandana Singh, AC to SC-21

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-07-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The present writ petition has been filed for directing
the respondents to refund the money of about Rs.2,41,551/- with
statutory and penal interest which has been deposited by the
petitioner in lieu of collection of rent from shops etc. in Deo
Kartik Mela under the District of Aurangabad under Sairat
settlement made by the concerned authority.

Counsel for petitioner submits that *sairat* was settled
to the petitioner vide letter no. 325 dated 19.06.2014 which is
Annexure-3. Counsel submits that the District Magistrate,

Aurangabad vide Memo No. 2613 dated 13.10.2014 has directed that no collection towards shop shall be made. As such, the petitioner though deposited money in terms of contract, but could not collected the *sairat*. Thereafter, the petitioner had requested to return his amount in the light of the said contract for collection of mela tax.

Counsel for State submits that a counter-affidavit has been filed in this case by the Circle Officer, Deo stating therein that a request has been made to the Principal Secretary, Revenue and Land Reforms Department to make available allotment of Rs.2,41,551/- for payment of money to the petitioner.

Counsel for petitioner submits that though there was an assurance from the counter-affidavit vide a letter No. 221 Mu/Rev dated 31.12.2014, has been written to the Principal Secretary Revenue and Land Reforms Department, Bihar, Patna to make available the allotment of the said amount, but no payment has been made to the petitioner till date.

In this view of the matter, it transpires to this Court that the violation of contract has been made by the district administration. As such, this Court is of the view that the State respondent is bound to refund the money of the petitioner along with the applicable statutory interest.

As such, counsel for petitioner is directed to file representation before the District Magistrate, Aurangabad who shall ensure return of money of the petitioner amounting to Rs.2,41,551 with simple interest of 6.5% within 6 weeks from the date of filing representation. If the said amount shall not be refunded to the petitioner within the said period, 7.5% panel interest shall be directed to be paid from the date of lapse of non-payment as per the order.

With this direction, the present writ application is hereby disposed of.

(Dr. Anshuman, J.)

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