

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7940 of 2023

Sanjeev Kumar Nirala, Son of Birendra Prasad Shah Resident of Nitish Bhawan, Singar Hat, Police Station-Sosarai, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Addl. Chief Secretary, Agriculture Department, Government of Bihar, Patna.
2. The District Magistrate, Nalanda.
3. Sub-Divisional Magistrate-Cum-Special Officer, Krishi Bazar Samiti, Ramchandrapur, Biharsharif, Nalanda.
4. Senior Project Engineer, Bihar State Bridge Construction Corporation Limited, Work Division, Nalanda.
5. The Managing Director, Biharsharif Smart City Limited -Cum- Urban Commissioner, Municipal Corporation, Biharsharif, Nalanada.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Md. Shamimul Hoda, Advocate.
For BRPNL	:	Mrs. Binita Singh, Advocate.
For Biharsharif Smat City Ltd.:		Mr. Lalit Kishore, Sr. Advocate.
		Mr. Gyan Prakash Ojha, Advocate.
		Mr. Kanishka Shankar, Advocate.
For the State	:	Mr. Sanjay Kumar Tiwary, AC to GA-11.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 18-12-2023

Heard Mr. Md. Shamimul Hoda, learned counsel appearing on behalf of the petitioner; Mrs. Binita Singh, learned counsel for the Bihar Rajya Pul Nirman Nigam Limited; Mr. Lalit Kishore, learned senior counsel along with Mr. Gyan Prakash Ojha, learned counsel for the Biharsharif Smart City Limited and Mr. Sanjay Kumar Tiwary, learned AC to GA-11 for the State.

2. The petitioner has filed the writ petition for the



following reliefs:

“(i) For quashing/set asides the order contained in Memo No. 115 dated 03.05.2023 issued under the signature of Respondent No.2, Sub- Divisional Officer-cum-Special Officer, Agricultural Produce Marketing Board, Biharsharif, Nalanda communicated to the petitioner and directed to vacate the self constructed godown within seven days of the receipt of the letter failing which administration will vacate the the godown and its expenditure will be bear at the cost of the petitioner and it has also been stated that during the cause of vacating the shop compensation of damage will not be given.

(ii) For order/orders, direction/directions to the respondents follow the settle law of eviction in regards of long period well established source of income for the livelihood of the petitioner and his working employee at the same godown.

(iii) For the direction to the respondents to make alternate arrangement to the petitioner for livelihood and livelihood of the employee.

(iv) For direction/directions to the respondents to consider the the continuity of the business of the petitioner since long back.

(v) For direction/directions to the respondents to stay further action upon the order as contain in Memo Nom 115 dated 03.05.2023

(vi) For any other relief/reliefs to which the petitioner is entitled under the law.”

3. Learned counsel appearing on behalf of the petitioner seeks to file a detailed representation before the Sub-Divisional Officer, Biharsharif, Nalanda for redressal of the relief as prayed for in the present writ petition. The petitioner submits that as per the scheme, the work order was allotted for constructing temporary godown for generating money required for his livelihood under a government scheme considering the fact that the petitioner is an unemployed person and out of earning from the godown, he can live a dignified life.



4. The object of the scheme has been defeated as the petitioner has been directed to erase the entire construction which was completed in the presence of the authority of the State Government who never objected for such construction.

5. Considering the fact that the petitioner has sought to file a detailed representation before the Sub-Divisional Officer, Biharsharif, Nalanda, the petitioner may file a detailed representation raising all such plea before the Sub-Divisional Officer, Biharsharif, Nalanda for redressal of his grievance and the Sub- Divisional Officer, Biharsharif, Nalanda is directed to take a final decision within a period of six weeks from the date of filing of the representation.

6. The writ application stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	20.12.2023
Transmission Date	N.A.

