

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11537 of 2019

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Muzaffar Mahmood Son of Late Mahmudul Amin Resident of Mohalla-
Amlapatti, Near Urdu Library, Ward No. 10, P.S.- Motihari, Town, Motihari,
District- East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The District Magistrate East Champaran, Motihari.
3. The Chairman Zila Parishad, East Champaran, Motihari.
4. The District Development Commissioner Cum Chief Executive Officer Zila Parishad, East Champaran, Motihari.
5. The District Engineer Zila Parishad East Champaran, Motihari.
6. The Assistant Engineer Zila Parishad, East Champaran, Motihari.
7. The Junior Engineer Zila Parishad, East Champaran, Motihari.
8. Sri Aalok Kumar Son of Babu Prasad Resident of Mohalla- Mathiya Lirat, P.S.- Chhatauni, District- East Champaran.
9. Sri Ashok Kumar Son of Vishwanath Prasad Resident of Village- Patjilwa, P.S.- Chiraiya, District- East Champaran.
10. Sri Rajesh Kumar Son of Vishwanath Prasad Resident of Mohalla- Sharnarhi Colony, Chhatauni, Ward no. 14, P.S.- Chhatauni, District- East Champaran.
11. Sri Santosh Kumar Son of Asharfi Prasad Resident of Village- Sorpaniya, P.S.- Dhanka, District- East Champaran.
12. Sri Kedar Nath Singh Son of Late Bhola Singh Resident of Gayatri Nagar, Motihari, East Champaran.
13. Khushbu Kumari Wife of Dr. Kunal Kishor Resident of Gayatri Nagar, Motihari, East Champaran.
14. Asha Devi Wife of Kedarnath Singh Gayatri Nagar, Motihari.
15. Rinki Raushan Wife of Amit Kumar Gayatri Nagar, Motihari
16. Sanjeev Kumar Son of Chhote Prasad Resident of Mohalla- Baiganiya, P.S.- Sitamarhi, District- Sitamarhi.
17. Sri Ranjeet Kumar Son of Late Resident of Village- Saraiya, Turkauliya, East Champaran.
18. Avinash Kumar Pandey Son of Rajdev Pandey Chandmari, Akon, Motihari, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kanishk Kaustubh, Advocate
For the Respondent/s : Mr. P.N.Shahi, AAG 6

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 21-06-2023 Heard the parties.

The Civil Writ application is being filed for issuance of appropriate writ/writs, direction/directions, order/orders and thereby for grant of following relief to the petitioner:-

(i) for setting aside the Advertisement dated 04.05.2017, issued with the signature of Deputy Development Commissioner-Cum- Chief Executive Officer, Zila Parishad, East Champaran, Motihari as published in Hindustan Newspaper whereby general notice for settlement of upper floor at 4 places of Motihari and 2 places of Sugauli Nagar Panchayat was notified and settlement of land at 3 places in district East Champaran, Motihari were notified without giving description / details of Khata, Plot, Chauhaddi (h) of the place, which was subject matter of the settlement, whereas in the earlier advertisement / general notice issued on 10.08.2005, the complete description of places of settlement had been clearly given;

(ii) for setting aside the office Order contained in Memo No. 128 dated 20.06.2017, issued by the Deputy Development Commissioner cum Chief Executive Officer, Zila



parishad East Champaran, Motihari, whereby 6 persons have been allotted shops and lands as per the advertisement / general notice dated 04.05.2017 and full description of the shop and land has been given contrary to the advertisement / general notice, which clearly establishes unfairness and favoritism in the entire process;

(iii) for a further direction to the respondent authorities to issue fresh Advertisement / general notice with regards to the shops which are to be settle after giving complete detail / description of the proposed site ie., mentioning specifically the place, Khata number, Plot number, Area, boundary etc. as it had been clearly mention in earlier advertisement / general notice dated 10.08.2005;

The writ petition was preferred on 11.05.2019 and when the first hearing took place on 16.01.2020, there was no appearance on behalf of the petitioner despite repeated calls, as recorded by the co-ordinate bench.

The second hearing took place on 15.05.2023 and once again, there was no representation forcing the another co-ordinate bench to adjourn the same for 21.06.2023.

Today on call, Mr. Kanishk Kaustubh has appeared and sought adjournment.



Learned Counsel appearing on behalf of the Zila Parishad, Motihari has submitted that the similar matter was decided way back by a co-ordinate bench on 24.01.2020 in CWJC No. 138 of 2020 and it is essential to incorporate the paragraph nos. 9, 10 and 11 of the said order:-

“ 9. It is evident from the last sentence of the notice that any person could have obtained information in respect of conditions of settlement and other informations on any working day in the office of Zila Parishad. The plea that specific places were not mentioned in the notice and other details were not given in the notice and, therefore, the notice is vague despite the said declaration made in the last sentence of the notice, is not at all tenable and is accordingly rejected.

10. This writ application, in my considered view, lacks bonafide and is accordingly dismissed.

11. A counter affidavit has been filed on behalf of the respondents, which has been taken on record. However, this writ application has been decided on the basis of pleadings in the writ application without looking into the averments made in the counter affidavit.”

Taking into account the aforesaid facts as also the order of the co-ordinate bench order dated 24.01.2020, this Court is not inclined to grant any adjournment.



The writ petition lacks merit and is accordingly
dismissed.

(Rajiv Roy, J)

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