

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12469 of 2022

=====

Rajendra Bhagat Son of Late Sri Nemi Bhagat, resident of Raipura, Chaudharani Bagh, Saidpur, P.O.- Dighwara, P.S.- Dighwara, Sarana, Bihar(841207).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Patna, Bihar.
2. The Principal Secretary, Urban Development and Housing Department, Patna, Bihar.
3. The Zila Parishad, Saran through its Chief Executive Officer, Zila Parishad, Saran, Chhapra.
4. The Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Saran, Chhapra.
5. The District Engineer, Saran Zila Parishad, Saran, Chapra.
6. Md. Amrila, S/o Md. Illamuddin Shop No. 107, near Dighwara Station Feeder Road, Mauza - Himmatpur, Thana No. 141, Khata No. - 72, Khesra - 165, Dighwara, Saran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Adv.
For the Respondent/s : Mr. Indeshwari Pd. Nand, AC to Ga-3

=====

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

6 04-12-2023 Petitioners have prayed for the following relief(s):

“i. To issue writ of mandamus directing the respondents to hand over possession of shop no. 107 duly allotted to the petitioner vide letter dated 09.03.2022 bearing no. 96 issued from the Office of Zila Parishad Saran, Chhapra (respondent no. 3) but is under illegal occupation of respondent no. 6.

ii. To direct the respondent to pay the suitable compensation for delay



allotment of the shop in question for which money was deposited by the petitioner in year 2015 itself.”

2. It is the petitioner's grievance that despite allotment of the shops in terms of communication dated 09.03.2022, the possession thereof has not yet been handed over to the petitioner. The petitioner has no other source of income and the only income generated from making the shop operational would render the financial assistance to the family members. Petitioner further submit that petition can be disposed of with direction to respondent No. 4, namely The Chief Executive Officer, Zila Parishad, Saran at Chapra, to positively take a decision on the request which the petitioner shall be making, in this regard, within a period of one week from today.

3. Though the notice issued to the Respondent No. 6 was received by his son, there is no representation on his behalf. Therefore, this order is being passed *ex parte* Respondent No. 6.

4. Other respondents have no objection to the same.

5. Accordingly, petition is disposed with a direction to respondent No. 4, namely The Chief Executive Officer, Zila Parishad, Saran at Chapra, to positively take a decision on the petitioners' request expeditiously, not later than four weeks from the date of presentation of such application with a copy of the



present order.

6. Liberty reserved to the petitioners to challenge the order to be passed in the said application, should the need so arise subsequently.

7. It is clarified that we have not expressed any opinion on merits of the matter.

8. All questions of law and fact are left open.

9. Interlocutory Application(s), if any, shall stand disposed of.

(A. Abhishek Reddy , J)

Gauravkr/-

U			
---	--	--	--

