

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19389 of 2017

=====

Sujeet Kumar Son of Brij Bihari, Singh Resident of Mohalla-Adhivakta
Nagar, Indrapuri Mohalla, Ward No. 14 behind Post Office, Gopalganj,
Police Station-Gopalganj, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of
Panchayat Raj, Govt. of Bihar, Patna.
2. The District Magistrate, Gopalganj
3. The Zila Parishad, Gopalganj through its Chief Executive Officer.
4. The Chief Executive Officer, Zila Parishad, Gopalganj.
5. The District Engineer, Zila Parishad, Gopalganj.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Lokesh Kumar Singh, Advocate
For the Respondent/s	:	Ms. Archana Meenakshee, GP-6
For Zila Parishad	:	Mr. Ranjeet Kumar Pandey, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-03-2023 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Zila Praishad,
Gopalganj.

The present writ application has been filed seeking
quashing of the Memo No. 369 dated 09.12.2017 by which the
petitioner has been directed to remove the *kiosk* from the premises
of Zila Parishad, Gopalganj.

The learned counsel for the petitioner submits that the
petitioner was allotted the kiosk within the premises of Zila
Parishad, Gopalganj in which he was carrying out his business
and by the said notice he has been asked to remove the *kiosk* and
the notice also records that when an alternative arrangement
would be made, the same would be again given to the petitioner, it
is next submitted that petitioner till date has not got the *kiosk*.



On query of the Court that whether the petitioner was a lessee or a licensee, the learned counsel for the petitioner is not in a position to answer the said query, further when the Court requested the learned counsel for the petitioner to produce the agreement based on which the petitioner had entered the *kiosk*, on the said query of the Court, the learned counsel for the petitioner submitted that agreement was never executed in between the Zila Parishad, Gopalganj and the petitioner, this prima facie shows that the entry of the petitioner within the premises of the Zila Parishad in the kiosk was illegal and in connivance with the authorities as no person can hold a kiosk or whatever it may be within the premises of the Zila Parishad, Gopalganj in absence of an agreement.

Since there is no agreement on record and as accepted by the learned counsel for the petitioner that agreement was never executed in between the Zila Parishad, Gopalganj and the petitioner, as such, the Court finds no merit in the writ application and as such it is dismissed.

Accordingly, the present writ application stands dismissed.

(Satyavrat Verma, J)

Rishabh/-

U			
---	--	--	--

