

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19080 of 2019

1. Balwant Kumar son of Vijay Prasad resident of Village- In front of Dighwara Railway Station, Ward No. 14, P.O. and P.S.- Dighwara, District- Saran.
2. Bhagwat Ray son of Raja Ray resident of Village- Mirpur, P.O. and P.S.- Dighwara, District- Saran.
3. Chinta Devi wife of Late Bharat Singh resident of Village- Raipatti, P.O. and P.S.- Dighwara, District- Saran.
4. Shivpujan Sah son of Late Bishwanath Sah resident of Village- Ramdas Chak, P.O. and P.S.- Dighwara, District- Saran.
5. Ramwati Devi wife of Krishna Sah resident of Village- Bhairampur, P.O.- Dighwara, P.S.- Dariyapur, District- Saran.
6. Baliram Sah son of Chandradeep Sah resident of Village- Bhairampur, P.O.- Dighwara, P.S.- Dariyapur, District- Saran.
7. Krishna Sah son of Chandradeep Sah resident of Village- Bhairampur, P.O.- Dighwara, P.S.- Dariyapur, District- Saran.
8. Chandradeep Sah son of Late Triveni Sah resident of Village- Bhairampur, P.O.- Dighwara, P.S.- Dariyapur, District- Saran.
9. Shri Bhagwan Bhagat son of Late Bharat Bhagat resident of Village- Saidpur Dighwara, P.O. and P.S.- Dighwara, District- Saran.
10. Surendra Sah son of Late Basantlal Sah resident of Village and P.O.- Aami, P.S.- Dighwara, District- Saran.
11. Abdul Kalam son of Late Abdul Gafar resident of Village- Hemtpur Dighwara, P.O. and P.S.- Dighwara, District- Saran.
12. Md. Shakil Ansari son of Late Md. Mutlib resident of Village- Hemtpur, P.O. and P.S.- Dighwara, District- Saran.
13. Md. Parvej Alam son of Md. Mukhtar Alam resident of Village- Hemtpur, P.O. and P.S.- Dighwara, District- Saran.
14. Md. Mukhtar son of Late Abdul Rahim resident of Village- Hemtpur, P.O. and P.S.- Dighwara, District- Saran.
15. Nikki Kumari daughter of Late Munni Devi resident of Village- Hemtpur, P.O. and P.S.- Dighwara, District- Saran.
16. Mantu Sah son of Late Shivnath Sah resident of Village- Hemtpur, P.O. and P.S.- Dighwara, District- Saran.
17. Raju Kumar son of Kanhai Sah resident of Village- Saidpur, P.O. and P.S.- Dighwara, District- Saran.
18. Sitaram Sah son of Lae Mohan Sah resident of Village- Saidpur, P.O. and P.S.- Dighwara, District- Saran.
19. Sunita Devi wife of Suman Prasad resident of Village- Saidpur Dighwara, P.O. and P.S.- Dighwara, District- Saran.
20. Krishna Sah son of Sitaram Sah resident of Village- Saidpur Dighwara, P.O. and P.S.- Dighwara, District- Saran.



21. Mritunjay Kumar Singh son of Rajendra Prasad Singh resident of Village- Saidpur Dighwara, P.O. and P.S.- Dighwara, District- Saran.
22. Ashok Kumar Singh son of Dharm Singh resident of Village and P.O.- Saidpur Dighwara, P.S.- Dighwara, District- Saran.
23. Tarkeshwar Prasad son of Late Devnandan Sah resident of Village and P.O.- Saidpur Dighwara, P.S.- Dighwara, District- Saran.
24. Rambadan Singh son of Late Ram Ayodhya Singh resident of Village and P.O.- Saidpur Dighwara, P.S.- Dighwara, District- Saran.
25. Supan Mahto son of Late Raghunath Prasad resident of Village- Raipatti, P.O. and P.S.- Dighwara, District- Saran.
26. Arun Kumar @ Lantosh Kumar son of Late Satyanarayan Sah resident of Village- Hemtpur Dighwara (Shankar Road), P.O. and P.S.- Dighwara, District- Saran.
27. Raj Kishore Prasad son of Late Raghuvir Prasad resident of Village- Hemtpur Dighwara, P.O. and P.S.- Dighwara, District- Saran.
28. Punam Devi wife of Raj Kishore Prasad resident of Village- Hemtpur Dighwara, P.O. and P.S.- Dighwara, District- Saran.
29. Nabab Anshari son of Late Muhmad Hadis resident of Village- Hemtpur, P.O. and P.S.- Dighwara, District- Saran.
30. Sunil Kumar Sharma son of Chandradeep Sharma resident of Village- Dighwara, P.O. and P.S.- Dighwara, District- Saran.
31. Ajay Kumar Sah son of Krishna Sah resident of Village- Bhairipur, P.O.- Dighwara, P.S.- Dariyapur, District- Saran.
32. Md. Ashlam son of Late Aashik Hussain resident of Village- Hemtpur, P.O. and P.S.- Dighwara, District- Saran.
33. Akhilesh Sah son of Late Satya Narayan Sah resident of Village- Saidpur Chaknoor, P.O. and P.S.- Dighwara, District- Saran.
34. Baijnath Sah son of Late Ram Awatar Sah resident of Village- Chaknoor, P.O. and P.S.- Dighwara, District- Saran.
35. Awadhesh Kumar son of Rameshwar Prasad resident of Village- Dighwara, P.O. and P.S.- Dighwara, District- Saran.
36. Upendra Sah son of Harendra Sah resident of Village- Meerpur (Bhual), P.O. and P.S.- Dighwara, District- Saran.
37. Vijay Prasad son of Late Kishori Prasad resident of Village- Dighwara, Ward No.- 14, P.O. and P.S.- Dighwara, District- Saran.
38. Md.Khalil son of Md. Lukman resident of Village- Meerpur (Bhual), P.O. and P.S.- Dighwara, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Saran at Chapra.
2. The District Magistrate, Saran at Chapra.
3. The Deputy Development Commissioner, Saran at Chapra.



4. Zila Parishad Chapra, Saran through its Chairman.
5. The Chief Executive Officer, Zila Parishad, Saran at Chapra.
6. The District Engineer, Zila Parishad, Saran at Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Lalan Kumar Singh, Advocate
For the Zila Parishad : Mr. Nikesh Kumar, Advocate
For the State : Mr. Kumar Alok, SC-7

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 03-07-2023 Heard the parties.

The present petition has been preferred for issuance of a direction upon respondents to consider allotment of the shop to the petitioners on preferential basis in the light of the notice inviting application for allotment of shops as also for allotment of the shops as the petitioners were running their respective business right from 1985-87 on rent basis.

On the last occasion, the coordinate bench of this Court had recorded the order on 16.5.2023 which read as follows:

"Learned counsel for the Zila Parishad has stated that the shop has been allotted to petitioners no. 1, 2, 3, 4, 6, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20 and 21 to 38. Counsel for the respondents seeks



time for getting necessary instructions as to whether shop has been allotted to other petitioners or not.

Post this matter on 19.05.2023".

On 19.5.2023, the respondents once again sought time.

Considering the fact that 34 out of 38 petitioners have been allotted the shops, there is no point in keeping the matter lingering as the respondents will repeatedly fail in filing a short reply with regard to other four persons and/or why they were excluded from the list.

Further, as despite two adjournments, today also prayer for adjournment has been made, the same is rejected and a cost of Rs. 5000/- is imposed upon respondent no.5, the Chief Executive Officer, Zila Parishad, Saran at Chapra to be deposited with the Patna High Court Legal Services Committee within a period of four weeks from today.

The writ petition is disposed of with the direction to the petitioner nos.5, Ramwati Devi, petitioner no. 7, Krishna Sah, petitioner no. 8, Chandradeep Sah and petitioner no. 14 Md. Mukhtar to file separate representation before the



respondent no.5, the Chief Executive Officer, Zila Parishad,
Saran at Chapra within four weeks from today.

If the said representation is filed by all and/or any of
the petitioner(s), the same shall be considered and an order will
be passed within three months thereafter.

The writ petition stands disposed of with the aforesaid
observation.

(Rajiv Roy, J)

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