

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17577 of 2022

1. Arun Kumar son of late Satyanarayan Sah resident of Village- Hemantpur, P.O. and P.S.- Dighwara, District- Saran.
2. Akhilesh Sah son of late Satya Narayan Sah resident of Village- Saidpur Chaknoor, P.O. and P.S.- Dighwara, District- Saran.
3. Baliram Sah son of Chandradeep Sah resident of Village- Bhairampur, P.O.- Dighwara, P.S.- Dariyapur, District- Saran.
4. Ajay Kumar Sah son of Kirisna Sah resident of Village- Bhairampur, P.O. and P.S.- Dariyapur, District- Saran.
5. Chinta Devi wife of Late Bharat Singh resident of Village- Raipatti, P.O. and P.S.- Dighwara, District- Saran.
6. Shivpujan Sah son of Late Bishwanath Sah resident of Village- Ramdas Chak, P.O. and P.S.- Dighwara, District- Saran.
7. Pankaj Kumar son of Supan Mahto resident of Village- Raipatti, P.O. and P.S.- Dighwara, District- Saran.
8. Abdul Kalam son of Late Abdul Gafar resident of Village- Hemantpur, P.O. and P.S.- Dighwara, District- Saran.
9. Tarkeshwar Prasad son of Late Devnandan Sah resident of Village and P.O. -Saidpur, P.S.- Dighwara, District- Saran.
10. Sitaram Sah son of Late Mohan Sah resident of Village -Saidpur, P.O. and P.S.- Dighwara, District- Saran.
11. Raju Kumar son of late Kanhai Sah resident of Village -Saidpur, P.O. and P.S.- Dighwara, District- Saran.
12. Mahmud Alam son of late Paltu Miyan resident of Village and P.O.Saidpur, P.S.- Dighwara, District- Saran.
13. Mantu Kumar son of late Munni Devi resident of Village -Hematpur, 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.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Lalan Kumar Singh, Advocate
For the State	:	Mrs. Archana Meenakshee, GP 6
For the Zila Parishad	:	Mr. Nikesh Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 30-01-2023

Petitioners have prayed for the following relief(s):

“For issuance of an appropriate writ/direction, commanding the respondents to consider and hand over the shops to the petitioners which have been legally allotted on 9/3/2022 by the competent authority, that would be constructed shopping complex on the land of Zila Parishad, Saran at Chapra, situated beside the Fidar Path of Dighwara railway station, in the light of the notice inviting application issued in the year 2015 and petitioners deposited requisite amount through the Demand Draft of Bank before the competent authority.”

It is the petitioners' grievance that despite allotment of the shops in terms of communication dated 09.03.2022 (Annexure-2 series, page-55), the possession thereof has not yet been handed over to the petitioners. The petitioners have no



other source of income and the only income generated from making the shops operational would render the financial assistance to the family members. Petitioners further submit that petition can be disposed of with direction to respondent No. 5, namely The Chief Executive Officer, Zila Parishad, Saran at Chapra, to positively take a decision on the request which the petitioners shall be making, in this regard, within a period of one week from today.

Respondents have no objection to the same.

Accordingly, petition is disposed with a direction to respondent No. 5, 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.

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

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



All questions of law and fact are left open.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

K.C.Jha/DKS

AFR/NAFR	
CAV DATE	
Uploading Date	31.01.2023
Transmission Date	

