

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.300 of 2018

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Munni Devi W/o Amarnath Rai, D/o late Dinesh Rai Resident of Mahua Singhrai, P.S. Mahua, District- Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Collector, Vaishali at Hajipur.
3. The Deputy Development Commissioner, Vaishali at Hajipur.
4. The Chairman, Zila Parishad, Vaishali at Hajipur.
5. The Executive Officer, Zila Parishad, Vaishali at Hajipur.
6. Santlal Rai Son of late Ram Dyal Rai Resident of Mahua Singhrai, P.S. Mahua, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Srinandan Pd. Singh, Sr. Advocate
	:	Mr. Surendra Kishore Thakur, Advocate
For the Respondent/s	:	Mr. Yogendra Prasad Sinha -Aag7
For Zila Parishad	:	Mr. Rakesh Ambust, Advocate
For the State	:	Mr. Kumar Sameer, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-03-2023 Heard learned counsel for the petitioner, learned counsel for the State along with learned counsel for the Zila Parishad, Hazipur.

The shop in question was allotted to Santlal Rai by Zila Parishad, Hazipur. Santlal Rai and Dinesh Rai were brothers. It appears that there was a partition in the family, in pursuance whereof, Dinesh Rai started looking after the shop and after his death the shop in question was allotted in the name of the mother of the petitioner, namely, Sunita



Devi. Sunita Devi, continue with the shop in pursuance of an agreement and was paying rent, but she died on 08.05.2015.

But, prior to her death Santlal Rai filed a C.W.J.C. No. 12025 of 2014 for a direction upon the Zila Parisha to handover the shop to him after vacating the possession of Sunita Devi.

The C.W.J.C. No. 12025 of 2014 was disposed of by order dated 02.09.2016 with a direction to the respondent authorities to take final decision upon the representation of Santlal Rai. The said Sunita Devi prior to passing of the order by the Writ Court had already died and the petitioner in absence of any agreement with the Zila Parishad was in possession of the shop, further in pursuance of the orders of this Court, as aforesaid, the Zila Parisha after hearing Santlal Rai and the parties including the petitioner passed the order dated 28.06.2017 which is impugned in the present writ application.

From perusal of the order impugned it would manifest that the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parisha, Vaishali has rightly



come to a conclusion that petitioner in absence of any agreement was continuing in the shop which was allotted to her mother without any authority and thus directed to vacate it.

The Court does not find any infirmity in the order impugned, as such, is not inclined to proceed with the writ application.

The writ petition is dismissed.

(Satyavrat Verma, J)

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