

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17973 of 2022

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Shambhu Prasad S/o Sri Rambabu Prasad, Resident of Village and P.O. and
P.S.- Dighwara, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Government of Bihar, Patna.
2. The District Magistrate, Saran at Chapra.
3. The then Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Saran at Chapra.
4. The Additional Collector-cum-Chief Executive Officer, Zila Parishad, Saran at Chapra.
5. The District Engineer, Zila Parishad, Saran at Chapra.
6. The Assistant Engineer, Zila Parishad, Saran at Chapra.
7. The Junior Engineer, Zila Parishad, Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : M/s Nitesh Kumar
Sumit Kumar, Advocates
For the Respondent/s : Mr. Subhash Prasad Singh, GA 3
For the Zila Parishat Saran: Mr. Niksh Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 30-01-2023

Heard learned counsel for the parties.



The petitioner has prayed for the following relief(s):-

“That this is an application for issuance of a writ in the nature of certiorari for quashing the letter no. 14 dated 9.3.2022 issued by the respondent no. 3 whereby and whereunder the allotment of shop no. 218 has been cancelled on the ground of irregularities in allotment, without giving the petitioners any notice, or any opportunity of being heard before issuing the order of cancellation of allotment of shops in most arbitrary and illegal manner. Further for issuance of a writ in the nature of mandamus directing the respondents not to take any coercive action pursuant to the order dated 9.3.2022 passed by respondent no. 3 and to grant any other relief/reliefs to which the petitioner is found entitled to including the cost of this proceeding.

A copy of the aforesaid letter no. 14 dated 9.3.2022 is annexed hereto and marked as Annexure - 1.”

Learned counsel for the petitioner as well as learned counsel for the respondents jointly state that the present petition can be disposed of in the light of the decisions dated 09.01.2023 rendered by this Court in CWJC No.6312 of 2022, titled as **Md. Sabir Ansari & Ors. Vs. The State of Bihar & Ors** and other analogous cases.

As such, as jointly prayed for, the instant petition stands disposed of in terms of judgment rendered in **Md.**



Sabir Ansari (supra) and the directions contained therein shall also govern the instant case *mutatis mutandi*, to the extent possible.

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Spd/-Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	31.01.2023
Transmission Date	

