

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.22478 of 2018**

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Mohan Kumar Gupta Son of Sri Luxman Prasad Gupta Resident of Mohalla-Agarwa P.O.-Motihari, P.S.-Motihari Town, District-East Champaran, Proprietor of Residential Hotel Laxmi, Railway Station Chowk, Motihari.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Motihari, East Champaran,
3. The Chairman, Zila Parishad, Motihari East Champaran.
4. The Zila Parishad through the Chief Executive Officer, Motihari, East Champaran.
5. Distirct Engineer, Zila Parishad, Motihari, East Champaran.

... .. Respondent/s

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with  
**Civil Writ Jurisdiction Case No. 16060 of 2022**

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Mohan Kumar Gupta son of Sri Luxman Prasad Gupta, resident of Mohalla-Agarwa, P.O.-Motihari, P.S.-Motihari Town, District East Champaran, proprietor of Residential Hotel Laxmi, Railway Station Chowk, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj, Bihar, Patna.
2. The Collector, Motihari, East Champaran.
3. The Chairman, Zila Parishad, Motihari, East Champaran.
4. The Zila Parishad through the Chief Executive Officer, Motihari, East Champaran.
5. District Engineer, Zila Parishad, Motihari, East Champaran.

... .. Respondent/s

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**Appearance :**

(In Civil Writ Jurisdiction Case No. 22478 of 2018)

For the Petitioner/s : Mr. Chitranjan Sinha, Sr. Advocate  
Mr. Sunil Kumar No. III, Advocate

For the Respondent/s : Mr. Prem Ranjan Raj, AC to SC 7

For the Zila Parishad : Mr. Sanjay Kumar, Advocate

(In Civil Writ Jurisdiction Case No. 16060 of 2022)

For the Petitioner/s : Mr. Chitranjan Sinha, Sr. Advocate  
Mr. Sunil Kumar No. III, Advocate

For the Respondent/s : Mr. Akash Raj, AC to GA 5

For the Zila Parishad : Mr. Sanjay Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

5      18-07-2023                      Heard Mr. Chitranjan Sinha, learned Senior Counsel for the petitioner and Mr. Sanjay Kumar on behalf of the Zila Parishad, East Champaran as also Mr. Prem Ranjan Raj, AC to SC 7.

Although the petitioner has multiple grievances, after much deliberation learned Senior Counsel has submitted that since he was having good relationship with the Zila Parishad, being its tenant for last 25 years, the petitioner is ready to make payment of entire dues uptill July, 2023 and will further continue making update payments.

It is further submission of the learned Senior Counsel that in view of the fact that he may be unable to make payment in one go, the same may be allowed to be paid in installment.

In view of such fair submission put forward by the learned Senior Counsel, it is ordered in the presence of the learned Counsel for the Zila Parishad, East Champaran as follows:-

(i) the Zila Parishad, East Champaran, Motihari will provide the details of payment that is to be made by the petitioner till July, 2023 within two weeks from today;

(ii) the payments shall be taken in three installments;



(iii) the petitioner will pay the first installment within two weeks from the amount being asked for by the respondent, Zila Parishad, Motihari;

(iv) the second and the third installment will be paid within four weeks after the first payment (2<sup>nd</sup> installment) and eight weeks thereafter (3<sup>rd</sup> installment). Meanwhile the petitioner will continue paying update rent from August, 2023 onwards.

So far as the memo no. 1021 dated 15.10.2022 issued by the Chief Executive Officer, Zila Parishad, East Champaran, Motihari is concerned, the same is fit to be quashed on the sole ground that alongwith the demand, the Chief Executive Officer has also incorporated the legal expenses against the petitioner for his filing of the writ petitions before the Patna High Court.

Such act of the Chief Executive Officer, Zila Parishad, East Champaran, Motihari, the author of the said order is deprecated and this Court wanted to impose a cost of Rs. 5,000/- for the said misdeed but on the insistence of learned Counsel appearing on behalf of the Zila Parishad, Motihari that he will convey the anguish of the Court to the Zila Parishad, the Court refrains from doing so.

This Court only wants to add: how can an important



State Official threat an aggrieved person if he/she knocks the door of the Patna High Court.

The memo no. 1021 dated 15.10.2022 passed by the Chief Executive Officer, East Champaran, Motihari (Annexure 1 to the petition) stands quashed.

The respondent shall be free to take fresh steps in the matter in accordance with law.

The writ petition stands disposed of with the aforesaid observations.

**(Rajiv Roy, J)**

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