

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1703 of 2020

Kiran Devi wife of Sanjay Kumar, resident of village- Kochas, Police Station- Kochas, District- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Government of Bihar, Patna
2. The Zila Parishad, Rohtas, Sasaram through Deputy Development Commissioner-cum-Chief Executive Officer, Rohtas at Sasaram
3. The Deputy Development Commissioner cum Chief Executive Officer, Rohtas at Sasaram
4. The Chairman, Zila Parishad, Rohtas at Sasaram
5. The Sub Divisional Officer, Sasaram, Rohtas
6. The Circle Officer, Kochas, District- Rohtas
7. Mohan Lal son of Late Sri Ram Sigashan Sah, resident of village- Kochas (in front of Ganghi Memorial College, Kochas), Post-Kochas, Police station- Kochas, District- Rohtas
8. Savitri Devi wife of Sri Shyam Narayan Tiwary, resident of Mohalla- Khilanganj, Post and Police Station-Sasaram, District-Rohtas

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 1236 of 2017

Mohan Lal Son of Sri Ram Sigashan Sah, Resident of Village, P.O. and P.S. Kochas, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Chairman, Zila Parishad, Rohtas at Sasaram, P.S. Sasaram, District Rohtas at Sasaram.
3. The Chief Executive Officer, Zila Parishad, Rohtas at Sasaram, P.S. Sasaram, District- Rohtas at Sa null null
4. Kiran Devif, Wife of Sri Sanjay Kumar, Resident of Village, P.O. and P.S. Kochas, District- Rohtas at Sasaram.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 1703 of 2020)

For the Petitioner/s : Mr. Surendra Kumar Choubey

For the Respondent/s : Mr. Harish Kumar (Gp8)

: Mr. Sudhanshu Bhushan (AC to GP7)



For the Zila Parishad
Rohtas

Mr. Anand Kumar

(In Civil Writ Jurisdiction Case No. 1236 of 2017)

For the Petitioner/s : Mr. Ras Bihari Thakur

For the Respondent/s : Mr. Ajay-Ga5

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 15-02-2024

Civil Writ Jurisdiction Case No.1703 of 2020

1. Heard the parties.
2. The petitioner being aggrieved by the order dated 06.12.2019, passed by the District Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Rohtas, has filed the present writ application for quashing of the order by which shop No. 3, allotted in favour of Savitri Devi, has been divided between respondent No. 7 and husband of the petitioner. The shop No. 3, situated at Parreral of Kochas-Sasaram Buxar Road, was initially settled by Zila Parishad Rohtas in the name of Savitri Devi i.e., respondent No. 8, in the year 1983. The allotment, in favour of respondent No. 8, was renewed from time to time and the same remained valid up till 2023.
3. Learned counsel for the petitioner submits that Savitri Devi agreed to transfer the aforesaid shop in the name of petitioner and according to the agreement, petitioner was ready for the same. Accordingly, on 30.07.2014, the petitioner and Savitri Devi/respondent No. 8 jointly filed a request application before the Zila Parishad to transfer the aforesaid shop in the name of the petitioner. The Zila Parishad, Rohtas, issued an order dated 16.10.2014 and transferred the shop of Savitri Devi i.e., the original



allottee, in the name of the petitioner.

4. On the other hand, learned counsel for the respondent No. 7 argued that though the shop, in question, was allotted to the original allottee, Savitri Devi, in the year 1983, but in the year 1989, the shop in question was let out in favour of the respondent No. 7 by respondent No. 8. The respondent No. 7 continued to operate his business from shop No. 3 till 2000. At this stage, respondent No. 8 was in need of money and therefore, she approached the respondent No. 7 for money and agreed to transfer the shop, in question, in favour of the respondent No. 7 and the husband of the petitioner. The husband of the petitioner and respondent No. 7 are own brothers and the petitioner is wife of the brother of respondent No. 7. Learned counsel further submits that the petitioner, without informing the respondent No. 7, approached the Zila Parishad, secretly, and got the order of transfer of the shop, in question, in her name with the connivance of the Zila Parishad. However, family arrangement took place between the husband of the petitioner and respondent No. 7 and it has been decided that shop No. 3 shall be divided half and half between the petitioner and respondent No. 7.
5. Learned counsel for the Zila Parishad argued that the petitioner has not approached this Court with clean hand. She is not paying rent to the Zila Parishad for the last ten years, however, respondent No. 7 is paying rent to the Zila Parishad regularly. The Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Rohtas, after hearing all the concerned has passed the order dated 06.12.2009, in which the shop, in question, has been



divided between the petitioner and husband of the petitioner.

6. Having heard learned counsel for the parties and taking into consideration the nature of dispute and the fact that D.D.C., after hearing all concerned, has passed a reasoned order and this Court sitting in its extraordinary writ jurisdiction cannot act like Appellate Authority, therefore, I do not find any merit in the writ application.
7. Accordingly, the present writ application stands dismissed.

(Anil Kumar Sinha, J)

HarshPandey/-

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