

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2191 of 2024

Md. Masrurul Hassan Son of Md. Manzurul Hassan @ Md. Mazrul Hasan
(Lease Dated 01 July 2000 and Holder of Shop No.-99 of Muzaffarpur
Municipal Corporation Situated in Bank Road Market Complex), Resident of
Mohalla-Laxmi Narayan Road, Islampur, P.S.-Town, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secrerary, Urban Development and Housing Department, Government of Bihar, Patna.
2. Mayor, Municipal Corporation, Muzaffarpur.
3. The Municipal Commissioner, Municipal Corporation, Muzaffarpur.
4. The Deputy Municipal Commissioner, Municipal Corporation, Muzaffarpur.
5. Sub-Division Magisterate (East), Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar @ S.K., Advocate
For the Respondent/s	:	Mr. Awadhesh Kumar, Advocate
For the State	:	Mr. Sudhir Kumar Upadhyay, A.C. to G.P.-7

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 02-07-2024 Heard Mr. Sanjay Kumar @ S.K., learned Counsel

for the petitioner, Mr. Awadhesh Kumar representing the

Muzaffarpur Municipal Corporation as also learned State

Counsel.

2. The present petition has been preferred for the:-

*issuance of an appropriate writ/writs,
order/orders, direction/ directions specially in the*



nature of mandamus to the concern respondent authorities for renewal of Lease Agreement of shop nos.-99 of the petitioner which is situated in Bank Road Market of Muzaffarpur Municipal Corporation and further be pleased stay the operation of coercive action dated 07-02-2024 (Memo no.- 125 dated 22-01-2024) till final hearing of this application and set-aside the eviction orders dated on 06-03-2023 & 20-12-2023.

3. The case of the petitioner is that though he was allotted shop nos. 87, 88 and 99, he remained in possession of shop no. 99 and was regularly making payment but due to an exorbitant rent, he was forced to approach this Court regularly and in earlier case of C.W.J.C. No. 16089 of 2022 which was filed along with other shop owners for renewal of their tenancy; direction was given to represent the respondent vide an order dated 08.08.2023

4. Subsequent thereto, representations were filed and then came the order dated 22.12.2023 by which observing that he is in illegal possession of shop nos. 87, 88 and 99 was directed to vacate the said shops. This followed the order in question dated 22.01.2024.

5. It is the contention of the petitioner that he is ready



to clear all the dues, if allowed by the respondent-Municipal Corporation and further request that he be properly allotted a shop.

6. A counter affidavit has come on behalf of the respondent-Municipal Corporation and the stand of the respondent is that he remained in illegal possession of shop nos. 87,88 and 99 and has not made payment since April, 2018.

7. The respondents further stand is that though the petitioner has provided a cheque of Rs. 2 lakhs relating to shop no. 99, he has not cleared the entire amount of Rs. 4,87,615/- which has been calculated taking into account his occupying the shop nos. 87, 88 and 99.

8. Learned Counsel for the petitioner submits that he is ready to pay the dues of shop no. 99 upto July, 2024 immediately to the respondent-Municipal Corporation and is further ready to get the matter enquired into as to whether he was in possession of shop nos. 87 and 88 or not and further after enquiry, if it is found that he was in possession, the amount as demanded shall be cleared.

9. He however submits that so far as agreement for allotment of shop is concerned, he restricts his claim for allotment of shop no. 99.



10. The matter was earlier heard on 01.07.2024 and this Court wanted to ascertain from Mr. Awadhesh Kumar representing the Muzaffarpur Municipal Corporation as to whether in case the petitioner clears the entire amount for the shop no. 99, his claim to get the matter enquired into his possession and/or otherwise related to shop nos. 87 and 88 can be looked into or not.

11. Today, when the matter that has been taken up, it is the stand of the Municipal Corporation that:

(i) the petitioner should first clear the entire amount of shop no. 99 till 31st of July, 2024 in next two weeks;

(ii) in case, he clears the amount in next two weeks, the respondent shall enquire into the matter relating to his illegal possession of shop nos. 87 and 88;

(iii) in case, it is found that he was in an illegal possession of the aforesaid two shops, the amount demanded has to be cleared by him;

(iv) if the entire amount is cleared, the respondents are ready to allot shop no. 99 after executing an agreement.

12. Learned Counsel for the petitioner submits that he do not have any objection.

13. Taking into account the aforesaid fair submissions



of the Municipal Corporation, Muzaffarpur as also the stand of the petitioner to co-operate in the matter so that the dues are cleared and he is properly allotted the shop, the writ petition stands disposed of expecting that the process shall be completed in four months.

(Rajiv Roy, J)

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