

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3651 of 2024

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1. Rajan Sah son of late Devilal Sah, Resident of village and P.O.- Mujauna, P.S.-Dariyapur, District- Saran.
 2. Ashok Kumar @ Ashok Kumar Sah, son of Shivchandra Sah, Resident of village- Mohan Kothiyan, P.O.- Mujauna, P.S - Dighwara, District- Saran.
 3. Nirmal Prasad Singh, son of Kamal Prasad Singh, Resident of village and P.O. Mujauna, P.S.- Dighwara, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Saran at Chapra.
2. The District Magistrate, Saran at Chapra.
3. The Deputy Development Commissioner, Saran at Chapra.
4. Zila Parishad Chapra, Saran through its Chairman.
5. The Chief Executive Officer, Zila Parishad, Saran at Chapra.
6. The District Engineer, Zila Parishad, Saran at Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Lalan Kumar, Advocate
For the Respondent/s	:	Mr. Government Pleader (5)
For Zila Parishad	:	Mr. Nikesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-07-2024 Heard the parties.

2. The present petition has been preferred for issuance of an appropriate writ or direction commanding the Respondents to consider and hand over the shops to the petitioners which has been already allotted by the respondents by letter dated 09.03.2022 that would be constructed shopping complex on the land of Zila Parishad, Saran at Chapra, situated beside the Fider Path of Dighwara Railway Station, in the light of the notice inviting application issued in the year 2015 and



deposited requisite amount through the Demand draft, which has been deposited by the petitioner before the competent authority.

3. Learned counsel for the petitioners has straight away taken this Court to the letter no. 36 dated 9.3.2022 issued by the Deputy Development Commissioner cum Chief Executive Officer, Zila Prishad, Saran, Chapra by which it allotted the Shop Nos. 92, 141 and 145. He submits that story rests there inasmuch as after the aforesaid issuance of letter, the actual possession was/were never extended to them.

4. Learned counsel appearing on behalf of the respondent nos. 3 to 5 submit that there was some hindrance which delayed the process. He assures that they are taking all steps for handing over the Shops to the petitioners herein at an earliest.

5. This Court can only observe that it is unfortunate that a citizen has to approach the Patna High Court for a direction upon the respondents to comply their own orders. A perusal of the document on record would show that it was issued in the month of March, 2022 and the petitioner waited actual allotment for two years before approaching this Court.

6. In that background, this Court was thinking about



imposing cost upon respondents but in view of the fair submission put forward by the learned counsel for the respondents that they are taking all steps for allotment of the Shop, this Court refrains from doing so but cautions them to refrain from harassing a citizen. They are there to serve the people and cannot act in a whimsical manner and force people to knock the doors of Patna High Court.

7. The writ petition stands disposed of accepting the undertaking of the learned counsel appearing on behalf of Deputy Development Commissioner cum Chief Executive Officer, Zila Prishad, Saran, Chapra and directs the respondent to hand over the shops in question to the petitioner as early as possible, in any case within a period of three months from today.

8. The order has been passed in the presence of learned counsel appearing on behalf of the Zila Parishad and it is his duty to inform the concerned respondent about the order. The petitioners shall also provide a copy of the order in next two weeks.

(Rajiv Roy, J)

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