

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16132 of 2018

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Rajendra Sharma Son of Late Sukhi Sharma, R/o Mohalla- Kanhai Nagar,
Nawadah, P.O. P.S. District- Nawadah.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Joint Secretary, Urban Development Department, Government of Bihar,
Patna.
3. The Administrator, Nagar Parishad, Nawada, District- Nawada.
4. The Executive Officer, Nagar Parishad, Nawada District Nawada.
5. The Assistant Engineer Nagar Parishad, Nawada, District- Nawada.
6. Town Manager, Nagar, Parishad, Nawada, District- Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arvind Prasad Singh, Advocate
For the Respondent/s	:	Mr. Kinkar Kumar- SC-9
For the Nagar Parishad	:	Mr. Neeraj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 24-09-2024 Heard Mr. Arvind Prasad Singh, learned counsel for the

petitioner and Mr. Neeraj Kumar Singh representing the Nagar

Parishad, Nawada.

2. The present writ petition has been preferred for the
grant of following relief/s:-

*“That this is an application praying for
issuance writ/ writs certiorari or appropriate
in nature for quashing the order dated
27.01.2015 the order issued by the executive
officer, Nagar Parishad Nawada by the memo
no. 133, 134 and other similar order issued
in different dates i.e. 16.03.2018 memo no.
petitioner and other stall whereby and one
666/668 to the allottee of the whereunder the
respondents authority of Nagar Parishad*



Nawada has directed to vacate the stall no. E-15, E-18 and E-21 within period and handover the key of the stall otherwise legal action shall take against the petitioner and other one as well as praying for direction to the respondents for extension and renewal of the said stall in the name of the petitioner as per rule regulation of Nagar Parishad Nawada, District-Nawada.”

3. The petitioner claims to have been allotted two shops in his name while third shop which was allotted in the name of Zeba Khatoon is also been used by him. After the lapse of the lease in the year 2014, despite request, the lease was not extended and in the year 2015, notices were issued for vacating the shops.

4. Aggrieved by the said order of the year, 2015, in the year 2018, the writ petition was filed.

5. On the query made by the Court as to why he has taken three years to approach the Writ Court and further, whether payments are being made to the Nagar Parishad, Nawada regularly, the answer is in negative.

6. Mr. Neeraj Kumar Singh, learned counsel for the Nagar Parishad, Nawada submits that so far as the third shop is concerned, it is not allotted to him but he is illegally occupying the same.

7. The facts are disputed, the petitioner has not come



with clean hands, an order of the year 2015 has been challenged in the year 2018. At this stage, learned counsel for the petitioner submits that he is ready to approach the Nagar Parishad, Nawada and pay all the entire dues so that his petitions are considered.

8. If the petitioner is still continuing with the shops and the Nagar Parishad, Nawada despite passing the order in the year 2015 has not taken any steps to get him evicted in accordance with law, till the year 2024, when the matter is being heard, in case the petitioner submits the entire dues along with the proper petition within a period of two weeks from today, the Nagar Parishad, Nawada will consider his case and pass a fresh order in next six weeks. If the petitioner fails to pay the entire dues up to September, 2024, the petition be not entertained.

9. Till an order is passed, the status quo as existing today shall be maintained which shall merge with the final order passed by the Nagar Parishad, Nawada.

10. The present writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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