

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4089 of 2022

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Mohammad Firoz, Son of Mohammad Faruq, Resident of Janpul Chowk,
Ward No. 24 Motihari, P.S.-Motihari Town, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Collector, Motihari, East Champaran.
3. The Sub Divisional Public Grievance redressed Officer, Motihari, East Champaran.
4. The Municipal Commissioner, Nagar Nigam Motihari, East Champaran.
5. The Sub Divisional Officer Sadar Motihari, East Champaran.
6. The Circle Officer, Motihari, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Advocate.
For the Respondent/s : Mr.Kinkar Kumar, SC-9.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 19-01-2024

Heard Mr. Vijay Shankar Shrivastava, learned counsel
appearing on behalf of the petitioner and Mr. Kinkar Kumar,
learned SC-9 for the State.

2. Petitioner is aggrieved for non-allotment of shop
after he was displaced with an assurance and promise that he
will be allotted an appropriate shop at a suitable place and being
aggrieved with non-allotment of shop, the petitioner has sought
for following reliefs as prayed for in Para-1 of the writ petition:

“For issuance of a writ in the nature of
Mandamus commanding and directing the Respondent to
allot the land to the petitioner under the Nagar
Beautification Scheme / Yojna to the petitioner as the
petitioner was temporary shop keeper of Jharu Shop situated
at Gandhi Chawk, Meena Bazar, Motihari, East
Champaran.”

3. Learned counsel appearing on behalf of the



petitioner submits that petitioner is a poor person and he used to sustain his family out of the earning from selling brooms (jharu) and in anticipation of the assurance given by the Municipal Authority and also pleased by the step taken by the Municipality to beautify the city, he chose to get himself registered with the Municipality under the City Beautification Scheme. Municipal Authority registered him and issued Registration No. 224 dated 07.07.1994. Learned counsel further submitted that no beautification work took place and the policy of the Central Government as well as the State Government was defeated by the Municipal Authority which led to non-allotment of suitable shop to the petitioner. Being aggrieved by the inaction on the part of the Municipal Authority, the petitioner approached the State Government and thereafter he lodged a complaint before the Sub-Divisional Public Grievance Redressal Officer, Motihari.

4. The grievance of the petitioner was duly considered by the Public Grievance Redressal Officer – Respondent no.3 and he had directed the Executive Officer cum Sub-Divisional Officer, Motihari to allot a suitable shop to the petitioner and in spite of the direction given by the Public Grievance Redressal Officer, the grievance of the petitioner has not been redressed by



the Municipal Authorities.

5. Mr. Kinkar Kumar, learned SC-9 for the State submits that considering the fact that a sum of Rs.2000/- was deposited by the petitioner in the year 1994 as it would appear from Annexure-1 to the writ petition, the petitioner has remedy before the Municipal Commissioner, Motihari.

6. Having heard the rival submissions made on behalf of the parties and the fact that the petitioner was running his shop on the land of the Municipality and for which, as per the information given by the petitioner, he used to pay rent from time to time. Petitioner was asked to remove the shop in view of the beautification scheme for beautification of the city and in view of that the Municipal Authority has registered the petitioner after accepting Rs.2000/- and issued a receipt bearing Registration No. 224 dated 07.07.1994.

7. Considering the admitted fact that the requisite fees was deposited by the petitioner in anticipation of the promise made by the Municipal Authority that a suitable shop will be allotted to the petitioner, but the authority has chosen not to allot or it can be considered that no beautification plan was carried on by the municipal authority which only led to show that inappropriate expenses of public money was made by them.



8. Considering the aforesaid admitted facts, the Municipal Commissioner, Nagar Nigam, Motihari, East Champaran is directed to allot a suitable shop to the petitioner within a period of six weeks. In case, there is no shop vacant or no shop has been constructed, then in that case, they may proceed to construct shops at suitable locality and allot the petitioner one shop on preferential basis as and when the same is constructed.

9. Mr. Kinkar Kumar, learned SC-9, at this stage, raised objection that in absence of counter affidavit the genuinity of the receipt being Registration No. 224 dated 07.07.1994 issued to the petitioner as contained in Annexure-1 has to be verified. The objection is without any basis in view of the fact that the respondent no.3 has already upon verification communicated the requisite information vide Annexure-5 to the writ petition

10. With the above observation, the writ petition stands disposed of.

(Purnendu Singh, J)

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AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	22.01.2024
Transmission Date	N.A.

