

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8544 of 2021**

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Ram Swaroop Yadav son of Shri Bishun Yadav resident of village - Sonu Bigha, P.S. - Bodhgaya, Dist- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Urban Development govt. of Bihar Patna.
2. District Magistrate Gaya.
3. Senior Superintendent of Police, Dist- Gaya.
4. Executive Officer, Nagar Parishad Bodhgaya, Dist- Gaya.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : None.  
For the Respondent/s : Mr. A.G.

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

4      11-03-2024                      No one appears on behalf of the petitioner though learned counsel for the State is present.

*2. The present writ has been filed for issuance of an appropriate writ/s, direction/s particularly writ in the nature of mandamus, commanding and directing the respondents authorities specially the respondent no. 4, the Executive Officer, Nagar Parishad Bodhgaya to refund Rs. 4,88,784 for making collection of Sairat of Bus Stand/Parking of 149 days only against the total half bid amount for 6 months of Rs. 27,30,500/- deposited by the petitioner against the total bid amount of Rs. 54,61,000/- for settlement of Bus Stand/ Parking for year 2019-20.*



3. It is the case of the petitioner that pursuant to the Advertisement No. 05/2018-19 issued by the Executive Engineer, Nagar Parishad, Bodh Gaya, he had applied for *Sairat* No. 1 bus stand and parking place and deposited the amount after being declared highest bidder and as the *Parwana* was not granted, he moved in C.W.J.C. No. 8529 of 2019 which was disposed of on 01.07.2019.

4. However, still *parwana* was not granted which followed MJC No. 3399 of 2019 and only after the order passed on 13.09.2019, the *parwana* was issued on 24.09.2019. As the *parwana* was issued in the month of September, 2019, he could collect the Toll only upto 19.09.2020 whereafter the Covid-19 lock down took place.

5. He as such, made representation before the Executive Officer, Nagar Parishad, Bodh Gaya for refund of the amount but for last three years, no step has been taken.

6. From the record, it is clear that copy was served upon the respondent no. 4 duly received by Mr. Ashok Kumar, Advocate on 05.03.2021. However, no counter affidavit on behalf of the Executive Officer, Bodh Gaya is on record.

8. In that circumstances, instead of keeping the writ petition pending, it would be appropriate that the petitioner



move before the Principal Secretary, Urban Development and Housing Department, Bihar, Patna and represent along with relevant documents within eight weeks from today. This period is being granted only because there is no appearance on behalf of the petitioner.

9. If such representation is preferred, the Principal Secretary, Urban Development and Housing Department, Bihar, Patna (respondent no. 1) shall take up the matter, call for the records of the case from the Executive Officer, Bodh Gaya and after putting all the concerned parties on notice, hearing them, will pass an order within a period of four months thereafter. In case the petitioner will be found entitled to the amount, the same shall be cleared to him within a period of next two months.

10. The CWJC No. 8544 of 2021 stands disposed of.

**(Rajiv Roy, J)**

Jagdish/-

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