

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9415 of 2019

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1. Mahendra Paswan @ Mahendra Pal Singh S/o Late jagdish Paswan Resident of Mohalla- Magadh Colony, Road No. 7, P.s.- Magadh Medical, Distt.- Gaya
 2. Meena Kumari W/o Madhu Kumar Resident of Mohalla- Road No. 7, Magadh Colony, P.o.- Chandauti, P.s.- Magadh Medical, Distt.- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector Gaya
3. The Zila Parishad, Gaya through the Executive Officer-cum-Deputy Development Commissioner, Gaya
4. The Deputy Development Commissioner-cum-Executive Officer Zila Parishad, Gaya
5. The Addl. Chief Executive Officer Zila Parishad, Gaya
6. Smt. Sudha Devi, Chairman Zila Parishad, Gaya.
7. Mukesh Kumar Yadav, Member of Standing Committee, Zila Parishad , Distt. Gaya
8. Sri Rajendra Rabidas, Member of Standing Committee, Zila Parishad , Distt. Gaya
9. Smt. Pusplata Devi, Member of Standing Committee, Zila Parishad , Distt. Gaya
10. Smt. Indu Devi, Member of Standing Committee, Zila Parishad , Distt. Gaya
11. Sri Bijoy Kumar, Member of Standing Committee, Zila Parishad , Distt. Gaya
12. Balmiki Sao, Son of not known, Address not known, Allotted of Shop no. 13, Zila Parisad, Dist. Gaya.
13. Dawarika Nath Singh, Not known, Not known, Allotted of Shop no. 19, Zila Parisad, Dist. Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Siya Ram Shahi, Advocate
	:	Ms. Shally Kumari, Advocate
For the State	:	Mr. Sanjeet Kumar Singh, AC to AAG-6
For the Zila Parisad, Gaya	:	Mr. Dhananjay Kumar Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

10 07-10-2024

Heard Mr. Siya Ram Shahi, learned counsel for the



petitioner, Mr. Dhananjay Kumar Gupta, learned counsel for the Zila Parisad, Gaya as also learned AC to AAG-6 for the State.

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

(i) For issuance of an appropriate writ commanding the respondents to consider the case of petitioners for allotment of Shop No. 13 and 19 constructed by Zila Parishad, Gaya, South of Medical College, Gaya in terms of allotment of Shop No. 1, 2, 3 and 4 constructed north of Magadh Medical College, Gaya on 17.03.2015.

(ii) For any other reliefs or reliefs for which the petitioner is entitled under law as well as on the facts of the case.

3. After much delay, a proper supplementary counter affidavit has come on behalf of respondent nos.3 to 5 and this Court would like to incorporate paragraph nos.8, 10 to 12 and 14 to 16 which read as follows:-

8. That in year 2019 notice has been published for allotment of shops in which shop no. 13 and 19 falls in the south of Gaya Sherghati road near Anugrah Narayan Magadh Medical College Gaya are included but petitioners have not participated in the auction, and filed application for allotment the shop no. 13 and 19.



10. That further facts of the case is that when construction work started for shop no. 13 and 19 the Lieutenant Colonel, Administrative Commandant, For Station Commander Gaya Military Camp through his letter no. 134 Land/02 dated 18 Feb. 2020 wrote to District Magistrate Gaya to stop the construction work for want of No Objection Certificate as per Government of India Ministry of Defense letter no. F11026/2/2011/D Lands dated 21 October 2016 and its copy was sent to the Commissioner Magadh Division Gaya, Meyor Nagar Nigam Gaya and SHO Magadh Medical P.S. Gaya for information and necessary action.

11. That further fact of the case is that Secretary to the Commissioner Magadh Division Gaya through his letter no. 692/ra dated 14.03.2020 wrote to the District Magistrate Gaya for taking action on the subject station head quarter Gaya C/o 56 A.F.O.

12. That further fact of the case is that the Municipal Commissioner Gaya through his letter no. 208 dated 26.05.2020 wrote to the D.D.C. cum Chief Executive Officer Zila Parishad Gaya for stay of construction work of shops at Gaya Sherghati road Gaya in the light of letter no. 692/ra dated 14.03.2020 to the Secretary to the Commissioner Magadh Division Gaya.

14. That a further fact of the case is that the Special Executive Officer Collectors



Confidential Section Gaya through his letter no. 4912 dated 08.06.2020 wrote to D.D.C. cum Chief Executive officer Zila Parishad Gaya regarding the stay of the construction work of the shop near Medical College Gaya.

15. That further fact of the case is that the D.D.C. cum Chief Executive Officer Zila Parishad Gaya through his letter no. 1023/Z.P. Gaya dated 26.12.2020 wrote to the Lieutenant Colonel, Administrative Commandant for Station Commandant Gaya regarding stay of the construction work of 18 shops after their allotment at Gaya Sherghati Road near Anugrah Narayan Magadh Medical College Gaya giving full details about the said 18 allotted shops and requested for issuing N.O.C. from him.

16. That after issuance of annexure-R/7 no reply has come from the Lieutenant Colonel, Administrative Commandant for Station Commandant Gaya and the construction work of the said 18 allotted shops remained suspended causing loss to the Department of Zila Parishad, Gaya due to shortage of fund and its internal resources are not sound.

4. As per paragraph no.16, the respondent themselves have narrated the ordeal inasmuch as due to no response on the part of the Lieutenant Colonel, Administrative Commandant for Station Commandant, Gaya, the construction work of the



eighteen allotted shops remained suspended causing huge loss to the Zila Parisad, Gaya as its internal resources are not good.

5. Though the respondents claim that they are pursuing the matter with the Lieutenant Colonel, as stated above, the letter which they have attached is of the year 2020 (letter no.306 dated 18.06.2020) (Annexure R/5 to the writ petition). There is no further letter to show that what development took place thereafter.

6. Learned counsel on behalf of Zila Parisad, Gaya undertakes that they will be immediately taking up the matter on priority basis with the Army people so that not only the construction work starts, the Zila Parisad, Gaya coffer is also filled.

7. Accepting the words and since they have come out with an excuse, the writ petition stands disposed of granting the liberty to the petitioner approach the Court again as and when the situation so arise.

(Rajiv Roy, J)

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