

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8395 of 2016

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Pervez Alam son of Md. Yaqub, residents of Mohalla- Darzipatti, Ward No. 10, Post Office - Banmankhi, Police Station- Banmankhi, District- Purnea.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Araria.
3. The Sub Divisional Officer cum Special Officer, Agricultural Produce Bazar Samiti, Forbisganj, Dist

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Syed Masleh-Uddin Ashraf, Advocate
For the Respondent/s	:	Mr. Jai Shankar Barnwal- GA5
For the State	:	Mr. Apurva Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL ORDER

11 **06-09-2024**

1. The Writ petition is filed seeking directions to command the respondents to allot incomplete shops to the petitioner and similarly situated persons, situated in the premises of Bazar Samiti, Forbesganj in the District of Araria in the manner it has been allotted to others and for issuance of any other directions as may be considered fit and proper.

2. The brief facts culled out of the Writ petition is that in the premises of Agricultural Produce Bazar Samiti, Forbesganj, number of shops were constructed for letting it out, on rental basis to petty businessmen for their livelihood and also to generate revenue to the Government.

3. After scrapping the Bihar Agricultural Produce



Market Act, 1960 and its Rules, the entire establishment was taken away by the State Government and the Sub-Divisional Officer-cum Special Officer Agricultural Produce Bazar Samiti has been notified to look after the affairs, safety and security of the Bazar Samiti. It is further submitted that *vide* Letter No. 30 dated 20.08.2015, the 3rd respondent sought instructions from the 1st respondent with regard to the allotment of the incomplete shops to the persons, having no license, to run their business on the basis of fair rent. The petitioner along with similarly situated petty businessmen of the area applied before the 3rd respondent dated 04.08.2015 and 31.08.2015 for allotment of incomplete shops to run their business. Further the petitioner has also sought information under the RTI Act and the 3rd respondent *vide* Letter No. 45 dated 08.12.2015 informed that altogether 36 completed shops have been allotted and Rs. 2.50/- has been fixed as rent for incomplete shops. When no shops were allotted to the petitioner and others, the petitioner again sought information through RTI from 3rd respondent *vide* Letter No. 183 dated 29.01.2016 who in turn informed that incomplete shops situated at Agricultural Produce Bazar Samiti, Forbesganj cannot be allotted.

4. It is specific contention of the Learned counsel for



the petitioner that 36 persons have been allotted shops and no specific reason was assigned as to why the petitioner and others were denied for allotment of the shops which is a clear violation of Article 21 of the Constitution of India. It is, therefore, prayed to direct the respondents to allot incomplete shops to the petitioner for their livelihood.

5. A detailed counter has been filed by respondent Nos. 1 to 3, wherein it is specifically submitted by the respondent No. 3 that the incomplete shops shall not be allotted to any interested person. The stand taken by the Government was not to allot any incomplete shops.

6. Heard the Learned counsel for the petitioner as well Learned counsel for the respondents.

7. It is specific contention of the Learned counsel for the petitioner that shops are lying vacant and as to why the Government is not allotting the shops, which would generate revenue for the State. The counter affidavit clearly disclose that the Government has taken a decision not to allot the incomplete shops to any interested persons.

8. This Court cannot compel the Government or the respondent State to allot incomplete shops to the petitioner. Admittedly, the incomplete shops are in the same condition as



that of the year 2015.

9. The non-allotment of incomplete shops of the Government to the petitioner either cannot be termed as violation of Article 21 of Constitution of India or infringement of petitioner’s fundamental rights.

10. Therefore, the Writ petition is dismissed as it is devoid of merits.

(G. Anupama Chakravarthy, J)

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