

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14479 of 2016

Priyanka Singh Wife of Navin Kumar Singh, resident of Zero Mile, Bypass Road, Gulab Bagh, P.S.- Sadar, District- Purnea ... Petitioner

Versus

1. The State Of Bihar
2. The Sub-Divisional Officer, Cum Special Officer, Sadar, Purnea.
3. The Agriculture Produce Market Committee, Gulab Bag, Purnea.
4. Roushan Kumar Choudhary son of Late Radhey Shyam Choudhary, resident of Mohalla City, P.S. Sadar, District- Purnea ... Respondents

with

Miscellaneous Jurisdiction Case No. 792 of 2024

In

Civil Writ Jurisdiction Case No.14479 of 2016

Priyanka Singh W/o Navin Kumar Singh Resident of Zero Mile, Bypass Road, Gulab Bagh, P.S Sadar, District-Purnea ... Petitioner

Versus

1. The State Of Bihar Through Agriculture Production Commissioner, Now the post is as Administrator A.P.M.C. Government of Bihar, Panth Bhawan, Patna.
2. Sri Rakesh Kumar Raman, S/o Not known, presently the The Sub-Divisional Officer-cum-Special Officer, Sadar, Purnea.
3. The Agriculture Produce Market Committee, Gulab Bagh, Purnea.
4. Roushan Kumar Choudhary, S/o Late Radhey Shyam Choudhary, Resident of Mohalla-city, P.S. Sadar, District Purnea ... Opposite Parties

Appearance :

(In both the cases)

For the Petitioner	:	Mr.Amit Srivastava, Sr. Adv. with M/sVijay Anand and Girish Pandey, Advs.
For the Respondents	:	Mr.Awanish Nandan Sinha- Gp21

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

8 28-06-2024 Heard the parties.

2. The present writ petition has been filed for the following relief(s) :

“.....for challenging the order dated 10.08 2016 issued under the signature of SDO, Sadar Purnea fully contained in memo no. 1386 (confidential)



whereby and whereunder the allotment order dated 28.06.2016 by which 600 Sq. feet area of the Chautal No. 3/2 settled in favour of the petitioner within the campus of committee, (superceded), market agriculture Gulab Bagh, Purnea was modified to the extent to reduce the area from 600 Sq feet to 300 Sq feet as the same is Typographical error.”

2. In the case of the petitioner that pursuant to the application made before the SDO-cum-Special Officer, Agriculture Produce Market Committee, (Superseded) Gulab Bagh, Purnea, the petitioner has been allotted an area of 600 sq.ft in Chautal 3/2 on a fixed rent by the Committee vide Letter No. 9, dated 11.01.2013, at the rate of Rs.2/- per squire feet and that the petitioner has received a letter, dated 10.08.2016 (Annexure 5), wherein it is stated that the area of 600 sq.ft was a typographical error and that the actual extent of land which was allotted to the petitioner was only 300 sq.ft., challenging the same the present Writ Petition has been filed.

3. In the supplementary counter affidavit filed by the Respondents No. 2 and 3 it is stated at paragraph 5 that the authority duly taking into the fact that the family of the petitioner is in possession of two other shops, i.e., A-18 and J-4, has passed the order, dated 10.08.2016, reducing the area of



allotment from 600 sq.ft. to 300 sq.ft.

4. When queried by this Court as to whether any prior notice has been issued to the petitioner before reducing the area which was originally allotted, the learned counsel for the respondents is not in a position to answer the same. Even the counter affidavit is silent as to whether the petitioner has been put on prior notice before the reduction of area from 600 sq.ft. to 300 sq.ft.

5. Having regard to the fact that no prior notice has been issued to the petitioner before passing the impugned order (Annexure 5) the same has to be necessarily termed as in violation of the principles of natural justice and equity.

6. Having regard to the same, this Court deems it fit and proper to set aside the impugned order (Annexure 5) and remand the matter back to the authority concerned for passing orders afresh duly putting the petitioner on notice and calling for his objections. The entire exercise shall be completed as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order. It is needless to mention that before passing any orders, the petitioner shall be given an opportunity of hearing. Any orders passed shall be communicated to the petitioner.



7. Having regard to the order passed in the main CWJC, the contempt application, bearing M.J.C. No. 792 of 2024, is closed.

8. Learned counsel for the petitioner stated that the authorities concerned are not accepting the rent for the area that was originally allotted and trying to disturb the possession of the petitioner. It is made clear that till the final decision is taken, the petitioner shall not be disturbed from the area which is originally allotted and the authorities are directed to accept the rent without prejudice to the rights.

(A. Abhishek Reddy , J)

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