

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13069 of 2023

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1. Dhananjay Kumar Son of Late Amrendra Singh Resident of Village-Umta, P.S.-Makhdumpur, District-Jehanabad.
 2. Farhan Hasmi Son of Nasim Ahmad Resident of Chaudhary Compound GB Road, P.S.-Civil Line, District-Gaya.
 3. M/s Maa Bangla Enterprises, through is Proprietor Dhananjay Kumar, Son of Late Mahavir Sharma Resident of Mohalla-Pipal Gali Ramdhanpur, P.S.-Kotwali, District-

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary Urban Development, Bihar, Patna.
2. District Magistrate, Gaya.
3. Gaya Municipal Corporation, Gaya through its Executive Officer, Gaya.
4. The Municipal Commissioner, Gaya, Bihar.
5. The In-Charge Market Officer, Market Branch, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
For the Respondent/s	:	Mr. Yogendra Prasad Sinha (AAG- 7) Mr. Rabindra Kumar Priyadarshi, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 04-01-2024 Heard Mr. Sanjeev Kumar, learned counsel

appearing on behalf of the petitioners and Mr. Yogendra Prasad

Sinha, learned AAG-7 for the respondent/s.

2. Counter affidavit filed on behalf of respondents no.

3 to 5 is directed to be kept on record.

3. Petitioners have prayed for the following relief(s)

in paragraph no. 1 of the writ petition, which *inter alia* is

reproduced hereinafter:



“1. That this is an application for issuance of an appropriate writ(s), order(s), direction(s) directing the respondent authorities to return the iron frames structure erected at different places in the Municipal Corporation Area of Gaya City/Town which has been erected and installed by the petitioners for the purpose of advertising there business/product on their own cost as permitted by the Gaya Municipal Corporation after payment of requisite charges as since 1st April 2023 a contract of the sairat meant for hoardings has been awarded to a new person, who is removing the hoardings of the petitioners and replacing those hoardings by different hoardings of other persons who have nothing to do with those iron structures erected by the petitioners on their own cost and in alternative permit the petitioners to install the hoardings over the abovesaid iron structures as they are ready to pay the advertising fees as fixed by the standing committee of the board of the Municipal Corporation, Gaya and further for any other reliefs for which the petitioners may found entitled to.”

4. Learned counsel appearing on behalf of the petitioners submits that he will file a detailed representation before the District Magistrate, Gaya along with the inventory of all the articles, which was erected during the currency of their agreement in the municipal area, at their own cost and they want to get it back.

5. The District Magistrate, Gaya, must personally call for the records relating to the tender which was finally settled in favour of the petitioners and verify from the parwana etc., as to whether, the petitioners were required to erect iron structure at their own cost. In case, any objection is made before the Municipal Commissioner, Gaya, then he must ensure that the petitioners be given opportunity to be heard and pass order. If there is no objection then he must allow the petitioners to get



back their all the iron frames structure so erected by them in terms of parwana issued for the period within a period of three months from the date of communication of this order.

6. The petitioners seek to represent before the District Magistrate, Gaya, along with the G.S.T. bills with respect to the material purchased for erection of the iron structures and G.S.T. return filed in concerned financial period during which the structures were erected in support of their claim.

7. With aforesaid directions, the present writ petition is disposed of.

(Purnendu Singh, J)

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