

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8189 of 2015

1. Birendra Kumar Son of Krishnanandan Prasad, Resident of Village - Akouna Bazar, P.O. - Mohanpur, P.S.- Muffasil, District - Nawada, at present residing at Jawahar Nagar, Nawada, P.O., P.S. and District - Nawada.
2. Dharmendra Kumar Son of Krishnanandan Prasad, Resident of village- Akouna Bazar, P.O.- Mohanpur, P.S.- Muffasil, District- Nawada, at present residing at Jawahar Nagar, Nawada, P.O. and P.S. and District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate-cum-Collector, Nawada.
3. The Zila Parishad, Nawada through its Chief Executive Officer, Nawada.
4. The Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Nawada.
5. The District Engineer, Zila Parishad, Nawada.
6. The Registrar, Civil Court, Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Gopal Bohra
For the Zila Parishad	:	Mr.Anwar Karim
For the res. no. 6	:	Mr.Sanjeev Kumar
For the Respondent/s	:	Mr.Ravi Bhardwaj, AC to GA-13

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

Date : 23-07-2024

1. The Writ application is filed to direct the respondents to hand over the possession of the shops to the petitioners forthwith, carrying out construction which were allotted to the petitioners under the Resolution dated 07.06.2014 by *Zila Parishad* Board, for which security deposit as well as construction cost of the two shops were deposited by the petitioners in the account of *Zila Parishad*, Nawada on 18.07.2014.



2. It is the specific contention of the Learned counsel for the petitioners that in spite of depositing cost of construction and the security deposit the respondent/*Zila Parishad* has not handed over the shops to the petitioners till date.

3. On the other hand, Learned counsel for the respondent/*Zila Parishad* reported to the Court that the shops are occupied by the Civil Court, Nawada and therefore, they are not in a position to carry any construction of the shops or hand them over to the petitioners.

4. In view of the submissions made by the Learned counsel for the respondents/*Zila Parishad*, Nawada, the petitioners have filed supplementary affidavit contending that the respondents/*Zila Parishad* may provide an alternative site or shop as there is no possibility of settlement of dispute between *Zila Parishad* and Civil Court, Nawada.

5. At this juncture, Learned counsel for the respondents/*Zila Parishad* reported to the Court that he sought instruction from the concerned authority and they are ready to refund the amount to the petitioner.

6. Heard the submissions made by the Learned counsel for the petitioners as well as Learned counsel for the respondents. Perused the record.

7. Admittedly, the two shops were allotted to the petitioners as per the Resolution dated 07.06.2014 by the *Zila*



Parishad, Nawada and accordingly, the petitioners have deposited the security amount and also the cost of construction of the shops on 18.07.2014 to the *Zila Parishad*, Nawada. In view of the interse dispute between the respondents, petitioners now intend to have any alternative site or shop. Accordingly, this Court directs the *Zila Parishad*, Nawada to provide an alternative site or shop to the petitioners herein as there is no fault on the part of the petitioners. As already stated supra there is a dispute between the *Zila Parishad*, Nawada and Civil Court, Nawada.

8. Further, petitioners are directed to file a representation before the *Zila Parishad*, Nawada, along with receipt of this order to pursue for allotment of shops or for an alternative site of *Zila Parishad*, Nawada. The respondent/*Zila Parishad* shall consider the claim of the petitioners in case there is any alternative site of the *Zila Parishad* and shall dispose of the representation of the petitioners within three months by passing an appropriate order.

9. With the above-said observation, Writ application is disposed of.

(G. Anupama Chakravarthy, J)

vinita/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	26.07.2024
Transmission Date	

