

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13530 of 2023

=====

Ashok Kumar Rai S/o Bayash Rai R/o Telarh, P.S- Agaion Bazar, District-
Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary Department of Urban Development, Govt. of Bihar.
2. The D.M., Bhojpur.
3. The Executive Officer, Nagar Panchayat Piro, Bhojpur.
4. The SDO Publi Grievance Redressal Officer Piro, Bhojpur.
5. The Nagar Parishad, Piro, District- Bhojpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Advocate
For the Nagar Panchayat	:	Mr. Gopal Jha, Advocate
For the Respondent/s	:	Mr. Abbas Haider, SC- 6
	:	Mr. Ranjay Kumar Singh, AC to SC-6

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 19-01-2024 Heard Mr. Manoj Kumar, learned counsel appearing on behalf of the petitioner, Mr. Gopal Jha, learned counsel appearing on behalf of the Nagar Panchayat and Mr. Abbas Haider, learned SC- 6 and Mr. Ranjay Kumar Singh, learned AC to SC-6 appearing on behalf of the State.

2. Learned counsel appearing on behalf of the petitioner submitted that petitioner is aggrieved by non-allotment of shop inspite of the fact that he had deposited a sum of Rs.5,000/- on 30.01.1997. He further submitted that record reveals that in the year 2003 and subsequent to that in the year 2005 shops were allotted on the lottery basis to 135 persons out

of total 270 persons, who had applied for allotment of shops but the petitioner is aggrieved that he was not informed and as such, he is deprived of his vital rights. It is further submitted by the learned counsel that petitioner waited for a considerable period of time and sought information under the Right to Information Act on 27.01.2016. However, learned counsel for the petitioner admits that there is delay in seeking such information. The petitioner submitted that he has received a letter dated 17.11.2018 by which he has been informed that he will be given priority in future allotment. The petitioner submits that he has no alternative remedy than to request the Executive Officer, Nagar Panchayat, Piro, Bhojpur to consider his case for allotment of shop.

3. Mr. Gopal Jha, learned counsel appearing on behalf of respondent no.3 submitted that either the petitioner can approach the Executive Officer to refund the amount, which was deposited for allotment of shop or he can wait for allotment of shop, which can be allotted to him after the construction on priority basis.

4. Considering the rival submissions made on behalf of the parties, as well as, the fact that the petitioner has chosen to wait for future allotment of shop, the Executive Officer is

directed to consider the case of the petitioner on priority basis,
as has been admitted by him in the letter dated 17.11.2018,
contained in Annexure-4 to the writ petition.

5. With the aforesaid observation/direction, the
present writ petition stands disposed of.

(Purnendu Singh, J.)

Ashishsingh/-

U			
---	--	--	--