

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15546 of 2023

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Amit Kumar Son of Rajendra Prasad, Resident of New Kaji Mohalla Biratpur,
Aurangabad, P.S.- Aurangabad, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through District Collector Aurangabad.
2. The Zila Parishad through its Executive Officer, Aurangabad.
3. The Deputy Development Commissioner-Cum-Chief Executive Officer, Zila Parishad, Aurangabad, District- Aurangabad.
4. Shri Rahul Kumar, Son of Shri Rajendra Prasad Resident of New Kaji Mohalla, Biratpur Aurangabad, P.S. and District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Shankar Shrivastava, Advocate
For Zila Parishad	:	Mr. Nikesh Kumar, Advocate
For the Respondent/s	:	Mr. Ajay (GA- 5)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-01-2024 Heard Mr. Vijay Shankar Shrivastava, learned
counsel appearing on behalf of the petitioner; Mr. Nikesh
Kumar, learned counsel appearing on behalf of the Zila
Parishad, Aurangabad and Mr. Ajay, learned GA-5 for the State.

2. Petitioner is aggrieved by notice dated 10.08.2023
issued to him pursuant to which he has been forcefully evicted
from shop no. 11 situated at Aurangabad Thana No. 560, Khata
No. 191, Plot No. 981, area 126 square feet by the authorities of
the Zila Parishad. Petitioner has claimed to have become tenant
of the said shop on the basis of a will executed by the original



allottee, namely, Late Ganesh Prashad, who, according to the petitioner, was his uncle.

3. Learned counsel appearing on behalf of the petitioner submitted that he has no information, as to whether, any probate case has been filed, however, he claims his right on the basis of the will and that right cannot be defeated the manner in which the authorities have proceeded to evict him from shop and, as such, petitioner seeks to avail remedy under Section 89(4) of the Bihar Panchayati Raj Act, 2006.

4. Considering the aforesaid submission, the petitioner, if so desires, may avail remedy before the appropriate authority in accordance with law, who will call for the original records of the case from the office of the Deputy Development Commissioner-Cum-Chief Executive Officer, Zila Parishad, Aurangabad as the petitioner has been denied certified copy of the order dated 17.08.2023 by the office of the Executive Officer, and, thereafter, adjudicate into the matter and pass appropriate order within a period of six weeks after giving due opportunity of hearing to the petitioner and all the affected parties.

5. The period of limitation shall be considered by condoning the time taken in pursuing remedy before this Court.



6. Accordingly, the present writ petition is disposed
of.

(Purnendu Singh, J)

Niraj/-

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