

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1556 of 2019

In
Civil Writ Jurisdiction Case No.18594 of 2017

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M/s Gaush Alam Shoaib Alam through its Proprietor Md. Shoaib Alam, aged about 46 years, Gender- Male, S/o Md. Mohit Alam at Data Mazar Sharif Pir Bahore in front of Patna University Library, Ashok Raj Path Police Station- Pirbahore, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Agriculture, Govt. of Bihar, Vikash Bhawan, Patna.
2. The Bihar State Agriculture Marketing Board through its Administrator, Pant Bhawan, Bailey Road, Patna (Dissolved).
3. The Administrator, The Bihar State Agriculture Market Board, Patna Bhawan, Bailey Road, Patna (Dissolved).
4. The Agriculture Produced Marketing Committee, Dissolved, Mussallahpur through its Special Officer.
5. The Sub Divisional Officer-cum-Special Officer, Agriculture Produced Marketing Committee, Patna (Dissolved).
6. Ms. M.D. Ahmad, Mumtaz Ahmad S/o M.D. Jainwal Ahmad Shop no. 58, Principal Market Yard, Agriculture Produced Market Committee, Mussalahpur, Patna through its Proprietor Mumtaz Ahmad, P.S.- Sultanganj, District- Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Sanjay Kumar, Advocate
For the Respondent/s	:	Mr. Sarvesh Kumar Tiwary, (AAG-13)
		Mr. Rajat Kumar Tiwary, (AC to AAG-13)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

- 11 12-01-2024 1. The petitioner is aggrieved with the order
- (Annexure-25) passed by the Court of Administrator, Bihar
- State Agricultural Marketing Board (D), Patna.
2. The appeal of the petitioner and some others



were considered based on the reservation made by the Hon'ble Supreme Court in I.A. No. 5 of 2015 in Civil Appeal No. 4214 of 2015. The said order is produced as Annexure-19 which indicates that the application was withdrawn with liberty to approach the Respondent-Board with a fresh application.

3. There were conflicting claims made by various persons regarding the allotment of shop No. 58. Based on the reservation made by the Hon'ble Supreme Court, the appeals were considered together as per Annexure-25. The allotment made to M/s Md. Ahmad Mumtaz Ahmad on the terms and conditions stipulated in the letter of allotment dated 15.12.2004 was confirmed. The claim raised by the other contestants were rejected.

4. Insofar as the claim raised by the appellant herein, the Appellate Authority has considered the same in paragraph 12 which is extracted here under:-

“Another contender Md. Gaush Alam Shoab Alam who is claiming to be senior most licensee, has not made genuine efforts to participate in process of allotment and has shown a grossly



lethargic attitude in the matter which militates against his claim for allotment of shop 58. Allotment of shop cannot be made in favor of a particular person/firm only on the basis of mere seniority if such person/firm do not show due interest in the process of allotment which is mandatory for allotment of shop. Md Gaush Alam Shoab Alam did not participate in process of allotment, and also failed to participate in subsequent proceedings conducted for allotment for shop, He claims to have submitted many applications but apparently did not undertake any sincere follow-up action which has rendered his so-called efforts futile. No latitude can be shown towards such type of contender who defies administrative guidelines.”

5. We find absolutely no reason to interfere with the order since the petitioner had not participated in the process of allotment. It is seen that the order contained at Annexure-25 after affirming the allotment of shop No. 58 made to M/s Md. Ahmad Mumtaz Ahmad reserved liberty to the unsuccessful applicants to apply for allotment. The petitioner/appellant has not participated in the allotment and



cannot be said to be an unsuccessful applicant. Therefore, we find absolutely no reason to interfere with the order of the learned Single Judge. Though on different reasons as stated hereinabove the appeal stands dismissed.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Adnan/Ravi

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