

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.869 of 2024

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Md. Shahzad Ayub Son of Late Md. Ayub Resident of Mohalla- Qazi Tola,
Doodh Katora, P.S Arrah Town, P.O.- Arrah- 802301, District- Bhojpur
(Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through its Principle Secretary, Urban Development and Housing Department, Bihar, Patna.
2. The Collector, Bhojpur, Arrah.
3. The Deputy Development Commissioner-cum- Chief Executive Officer, Bhojpur Zila Parishad, Arrah.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Md Ataul Haque, Advocate
For the State	:	Ms. Divya Verma, AC to AAG-3
For Zila Parishad	:	Mr. Nikesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-07-2024 Heard the parties.

2. The petitioner has prayed for the following reliefs:

*(i) a writ in the nature of Mandamus
or any other appropriate writ, order
or direction commanding the
respondent no.3 to construct the shop
as proposed and approved by him;*

*(ii) a writ in the nature of Mandamus
or any other appropriate writ order
or direction commanding the
respondent no.3 to hand over the*



*shop allotted to the petitioner after
constructing the shop at the place
selected and approved by him;
(iii) any other writ order or direction
to which the petitioner is deemed to
be entitled.*

3. It is unfortunate that poor citizen has to come this Court (after making payment as demanded) for providing the shop which was allotted to him under a lottery and subsequently vide an order/memo no. 571 dated 28.2.2022 issued under the signature of respondent no.3, the Deputy Development Commissioner-cum-Chief Executive Officer, Bhojpur Zila Parishad, Arrah (Annexure-P/1 to the petition).

4. A perusal of the said petition would show that on 21.2.2022, pursuant to the lottery, ten persons were allotted shops under category A, B, and C, the name of the petitioner is at serial no. 3.

5. Even prior to the said decision, a Demand Draft of Rs. 1,31,500/- was deposited by the petitioner in favour of respondent no.3 on 20.1.2022.

6. It is his contention that two and half years later, he is still running from pillar to post for the allotment of the said



shop after submitting a petition vide 'Speed Post' on 12.10.2023 (Annexure-P/3), the writ petition.

7. Two copies of the writ petition were provided to the learned counsel for respondent no.3 in the month of January, 2024 but no counter affidavit is on record.

8. Instead of keeping the writ petition pending, it would be appropriate that the same is disposed of directing the respondent no.3 to immediately take steps, complete the construction of the shop allotted to the petitioner and hand it over by 31st of August, 2024 positively. Failure to do so, the petitioner will be entitled to 6% interest on the amount of Rs. 1,31,500/- from 1st of September, 2024 till the shop is allotted to him. This order has been passed under the belief and/or the submission put forward by the learned counsel that till today, the shop has still not been allotted to him.

9. The writ petition stands disposed of.

(Rajiv Roy, J)

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