

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1017 of 2020

Munna Son of Aftab Alam, Resident of Village/Mohalla-Khodanagar, P.S.-
Chatauni, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Special Secretary, Urban Development Housing Department, Government of Bihar, Patna.
2. That Chairman, Nagar Parishad Motihari, East Champaran.
3. The Executive Officer, Nagar Parishad Motihari, East Champaran.
4. The Superintendent of Police, East Champaran, Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anshul Kumar, Advocate
Mr. Umesh Chandra Verma, Advocate
For the Respondent/s : Mr. Subhash Pd. Singh (GA-3)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 10-09-2024 Heard Mr. Anshul, learned counsel for the petitioner

and also Mr. Surendra Prasad Singh, representing Motihari

Municipal Corporation.

2. The present writ petition has been preferred for the
grant of following relief/s:-

*“That this is an application for issuance
of an appropriate writ, order or direction,
particularly in the nature of mandamus,
directing the respondents to allow the writ
petitioner to collect parking fee from the Goods
Vehicle, from total ten parking places namely
Chatauni Sabji Mandi, Kumari Devi Chowk,
Henry Bazar, Western side of Janpul Station,
Baluwa, Bariyarpur, Bangali Colony, Dhaka
Road and Madhuban Chawni Chowk, as Nagar*



Parishad, Motihari has allocated aforesaid ten places to collect parking fee from Goods Vehicle at the rate fixed by the Nagar Parishad, as the writ petitioner has entered into the agreement in Nagar Parishad to collect Parking fee from the Goods Vehicle entering the aforesaid places.”

3. The content of the Writ Petition shows that the period for which he wanted him to continue taking the parking fee has come to an end as the agreement was for the period 2019-20. The only grievance the petitioner has that due to the interference by the local police, he could not realise the amount for almost eight months of the twelve months period and in between, one F.I.R. also came to be lodged.

4. The perusal of the order sheet would show that it has travelled a long and in between, the Superintendent of Police, East Champaran, Motihari was also summoned and his counter affidavit is on record. Now the only issue remains as to whether the petitioner is entitled to the refund or not.

5. In the opinion of the Court :-

(i) the period for which he was allotted the tender for realising amount is 2019-20;

(ii) According to him, he could realize only for a period of four months.



(iii) the contention of the respondents that he was assigned job for five places and only at one place, the issue arose.

(iv) In that background, the facts has to be ascertained whether the petitioner was allowed to realise the parking fee for the period he submitted his tender and paid Rs. 32,91,000/- (Thirty two lakh ninety one thousand rupees only).

6. In that background, with the consent of parties, this writ petition is disposed of with an observation that if the petitioner prefers a proper representation before the respondent Municipal Commissioner, Motihari Municipal Corporation within a period of 4 weeks from today along with all the supporting documents to claim refund, the same shall be considered and after hearing the parties concerned, it has to be taken to its logical conclusion at best by 31st of December, 2024 in view of the fact that already five years have lapsed.

7. The present writ petition stands disposed of.

(Rajiv Roy, J)

nirajkrs/-

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