

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1700 of 2019

In
Civil Writ Jurisdiction Case No.14483 of 2019

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Shiv Shankar Kumar son of Late Shyam Sunder Mahto Resident of Village-
House No- 43, Mohalla- Kazipur, P.S.- Kadamkuan, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Govt. of Bihar, Patna.
2. The Patna Municipal Corporation, Maurya Lok Complex, P.S. Kotwali, Town and Dist.- Patna through its Municipal Commissioner.
3. The Municipal Commissioner, Patna Municipal Corporation, Maurya Lok Complex, P.S. Kotwali, Town and Dist.- Patna.
4. The Director, Town Planning, Patna Municipal Corporation, Maurya Lok Complex, P.S. Kotwali, Town and Dist.- Patna.
5. The Estate Officer, Patna Municipal Corporation, Maurya Lok Complex, P.S. Kotwali, Town and Dist.- Patna.
6. The Executive Engineer, Patna Municipal Corporation, Maurya Lok Complex, P.S. Kotwali, Town and Dist.- Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Alok Kumar Choudhary, Advocate Mr. Kulanand Jha, Advocate Mr. Rajesh Kumar Tewary, Advocate
For the Respondent/s	:	Mr. Yogendra Prasad Sinha, AAG-7 Mr. Prasoon Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 21-08-2024 The appellant is aggrieved with the judgment of the

learned Single Judge.

2. The learned Counsel appearing for the appellant

submitted that the only argument addressed would be on the

representation of the petitioner not being answered. The



petitioner had continued for long with a kiosk settled on him and had been paying rent. In 2019, when a notice of demand was issued, he made a representation which was not responded. The learned Single Judge has noticed that no response was made to the notice issued by the Corporation, which is factually incorrect, is the argument.

3. We see that the petitioner had been settled a kiosk in the Maurya Lok Complex, under the Corporation, by allotment letter dated 18.11.1993. Admittedly, the settlement was only for eleven years and even after that it was continued and the petitioner had been intermittently paying rent. The Corporation specifically issued a notice dated 18.02.2019 demanding arrears of Rs.3,26,808/-, which was the total dues till March, 2018. On 05.03.2019, the petitioner deposited Rs.1,76,808/- but he did not deposit any amounts thereafter. If a representation had been filed and even if the same had not been considered, the petitioner had a duty to make the deposit as per the demand raised by the Corporation.

4. We find the petitioner's contention, that he had been regularly paying rent, is incorrect especially since a notice of demand was issued on 18.02.2019 and he admits to have paid only half of the amount on 05.03.2019.



5. We also notice the contention of the learned Standing Counsel for the Corporation that the existence of bunks posed a difficulty in plying of vehicles through the road and the area needed rainwater harvesting system which was in addition to the fact that the petitioner had not been paying the rent nor depositing the arrears even after a demand has been raised. The petitioner's settlement for 11 years had also expired long back.

6. In the totality of the circumstances, we find absolutely no reason to interfere with the impugned judgment.

7. The appeal is dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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