

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20528 of 2018

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Sitaram Yadav Son of Sri Lakhan Yadav, Resident of Village Nehaluchak,
Post- Nawada, P.S.- Nawada, District- Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Nawada.
3. The Deputy Development Commissioner-cum- Chief Executive Officer
District Board Nawada.
4. The Chairman, District Board, Nawada.
5. The Executive Engineer, Road Construction Division, Nawada.
6. The Sub Divisional Officer, Nawada.
7. The Certificate Officer, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sheo Kumar Prasad
For the Respondent/s	:	Mr.Raj Ballav Pd.Yadav -AAG-11
	:	Mr.Dinesh Maharaj

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 21-08-2025

1. The writ petition is filed for the following
reliefs:-

“(i) For issuance of a writ in the
nature of Mandamus directing and
commanding the Respondent authorities
to set aside the Notice dated 15.3.2012
connection with confiscation Case
No.16/2011-12 whereby and whereunder
the respondent authorities gave the
direction to deposit Rs.2,42,150/-



(Rupees Two Lakh Forty two Thousand One hundred and fifty only) without considering the earlier order of the Hon'ble High Court.

(ii) For further direction to the respondent authorities to proper calculate the loss amount and it is grant rebate in the total collection bid amount.

(iii) For further direction to the respondent authorities to calculate in real manner and gave the realization of monthly fixed installment.

(iv) For further direction to the respondent authorities to calculate the loss amount by the expert team.

(v) To grant any other relief or reliefs for which your Lordship may deem fit and proper.”

2. The brief facts culled out of the writ petition are that in District Nawada, three bus stands were running at different locations. Bus Stand No. 3 comes under the control of the District Board. In the year 2008, an advertisement was published for the settlement of the bus stand on a lease for one year by way of open auction for the purpose of collection of tax from heavy as well as light vehicles. The



petitioner, a petty contractor, was interested in taking the said bus stand, participated in the auction and was the highest bidder and the said Bus Stand No. 3 was allotted to the petitioner on payment of a total earnest amount of Rs. 14,53,500/- for the period from 01.07.2008 to 31.03.2009, for the collection of tax. At the time of the lease settlement, buses were plying towards Deoghar, Pakaribarma, Calcutta, and Patna. There was also stoppage of ring services of mini buses, taxis, autos, and jeeps, which were operating ring services for different places. Vide order dated 30.06.2008, the petitioner was directed to deposit the entire amount in installments, and accordingly, he deposited an amount of Rs. 9,69,000/- vide Chalan dated 30.06.2008 and further, deposited Rs. 2,42,250/- on 30.11.2008, and the next installment was due on 30.01.2009. However, the buses had to ply through Kadirganj Bridge (popularly known as the Steel Bridge) situated on Nawada-Pakaribarma Road. As the bridge got damaged, and in view of safety measures, a letter was issued by the Executive Engineer, Road



Construction Division, on 25.09.2008, whereby the entrance of heavy vehicles through the said steel bridge, known as Kadirganj Bridge, was prohibited by erecting barriers, due to which the petitioner sustained heavy loss.

3. The petitioner thereafter filed a representation before the Deputy Development Commissioner-cum-Chief Executive Officer, District Board, Nawada, to consider granting a rebate or relaxation of the lease amount, but there was no response owing to financial loss, the petitioner fell sick and underwent medical treatment. As there was no response to the representation, the petitioner also filed a representation before the Collector, Nawada, enclosing the letter dated 25.09.2008 again seeking relaxation in the deposited amount, but no action was either taken by the District Magistrate or the Deputy Development Commissioner-cum-Chief Executive Officer, Nawada. Having no other option, the petitioner issued a legal notice through an advocate on 05.01.2009, but the respondent authorities did not respond. Being aggrieved by the



same, the petitioner was constrained to approach this Court by way of CWJC No. 1213 of 2009. This Court disposed of the said writ petition vide order dated 28.01.2009, directing the District Board, Nawada, to consider the facts and pass an appropriate order without canceling the settlement in favour of the petitioner, for non-payment of the outstanding amount. Further, the order disclose that on adjudication, if the authority finds that any amount is still payable by the petitioner, the authority would pass a speaking order and communicate it to the petitioner, who would have such remedy, as may be advisable against the said order.

4. It is the specific contention of the Learned counsel for the petitioner, that in spite of the order of this Court in CWJC No. 1213 of 2009 dated 28.01.2009, the authorities have not passed any speaking order. Instead, without passing any such order, proceedings dated 15.03.2012 were issued, which are illegal and unsustainable and therefore, liable to be set aside.



5. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents and perused the record.

6. On perusal of the record, it is evident that the respondents have not complied with the orders of this Court. Therefore, this Court is the considerable opinion, that the respondent no. 3 shall comply with the order passed in CWJC No. 1213 of 2009 dated 28.01.2009 and shall pass an appropriate and reasonable order in accordance with law. The proceedings dated 15.03.2017 are hereby set aside. The respondent shall take any action only after passing a reasonable order. If the petitioner is aggrieved by the said order, he is at liberty to challenge it, before the appropriate forum.

7. With the above said observations, the writ petition stands allowed.

(G. Anupama Chakravarthy, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.09.2025
Transmission Date	

