

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8786 of 2024

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Renu Devi wife of Pradeep Mahto, resident of Ward no. 40, near K.K. Lal School, Balbhadrapur, Darbhanga, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Urban Development, Patna.
2. Darbhanga Municipal corporation, Darbhanga.
3. Commissioner (Town), Darbhanga Municipal Corporation, Darbhanga.
4. Sub-Divisional Officer-Sadar, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shahid Jawed, Adv
		Mr. Aslam Ansari, Adv
For the State	:	Mr. Dr. Mankeshwar Tiwari, AC to AAG3
For the DMC	:	Mr. Bindhyachal Rai, Adv

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 27-01-2025 Heard learned counsel for the petitioner, learned counsel for the State and learned counsel for the Darbhanga Municipal Corporation.

2. The present writ petition has been filed for the following reliefs:

[A] For issuance of an appropriate writ order or direction directing the respondents to produce Memo No. 676 dated 22.02.2024 before the Hon'ble High Court and thereafter quash the letter having Memo No.- 676 dated 22.02.2024 issued by Commissioner (Town) Darbhanga Municipal Corporation, Darbhanga whereby and



whereunder the shop No.- 1057 and 1060 situated at market building area Rajendra Market, Lahariasarai (herein after referred as 'shop in question') has been cancelled without any notice or information being given to the as petitioner, as the copy of the same has not yet been served to the petitioner.

[B] For issuance of an appropriate writ order or direction for quashing the order dated 06.03.2024 whereby the shop No.- 1057 and 1060 situated at market building area Rajendra Market, Lahariasara has been seized forcefully without any earlier notice to the petitioner.

[C] For issuance of an appropriate writ order or direction commanding the respondent concerned to restore/reopen the shop No.- 1057 and 1060 at market building area Rajendra Market, Lahariasara in favour of the petitioner as the same is the only source of livelihood of the petitioner and her family members.

[D] Any other relief or reliefs to which petitioners are entitled in the opinion of this Hon'ble High Court in the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that shop



no. 1057 came to the possession of husband of the petitioner in the year 1999 and shop no. 1060 came to the possession of the petitioner in the year 2000. Learned counsel further submits that the petitioner is regularly paying the market license fee for both the shops till December, 2023. Learned counsel further submits that all of a sudden, the petitioner has received a letter dated 16.08.2023 (Annexure-2) issued by the respondent no. 3 alleging therein that the petitioner has sub-let the shop in question to another person and appropriate action will be taken against the petitioner. The respondent no. 3 has issued another letter dated 31.10.2023 (Annexure-3) directing the petitioner to free from sub-let and pay the rent amount up to December, 2023 amounting Rs. 2,42,213/- within a period of three days. Aggrieved by the action of respondent no. 3, the petitioner has challenged the same in the present proceeding.

4. Learned counsel for the petitioner submits that pursuant to direction of this Court passed in the present case on 29.05.2024, the petitioner has directed to pay Rs. 1,00,000/- before the Corporation. Learned counsel further submits that the petitioner has deposited the same and the petitioner has also deposited Rs. 1,42,215/- before the Corporation through different cheques and it appears from the fact that the petitioner



has deposited all the due amount before the Corporation through different cheques. Learned counsel for the petitioner has filed a supplementary affidavit which suggests that the petitioner deposited rent amount upto December, 2023 and thereafter, the petitioner has again deposited Rs. 23,000/-.

5. Learned counsel for the Corporation has filed a counter affidavit stating therein that pursuant to the direction of this Court dated 29.05.2024, the Corporation has received the amount from the petitioner and thereafter, the Corporation has reviewed the case of the petitioner and in view of the subsequent development, the Corporation has reviewed the order dated 22.02.2024.

6. In view of the subsequent development, the writ petition stands disposed of with the direction to the petitioner to file an undertaking before the Corporation supporting by affidavit that in future, he will pay the rent in time and he will not sub-let the shop in question.

(Rajesh Kumar Verma, J)

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