

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2882 of 2017

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Amar Kumar Pandit Son of Late Banarshi Lal Pandit, resident of Singhiya Basti, Gulab bagh, P.S.-sadar, District-Purnea.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Purnea.
3. The Sub Divisional Officer, cum Special Officer, Agriculture Production Market Committee Dissolved

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shashi Bhushan Kumar, Adv.
For the Respondent/s	:	Mr. Gajendra Pd. Yadav- SC-17
For the State	:	Mr. Raghwanand, GA-11
		Mr. Rajnish Shandilya, AC to GA-11

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 20-01-2025

1. The Writ petition is filed in the nature of Mandamus commanding the respondents to produce before this Court, the order by which the platform in front of shop No. F/V-11 of the petitioner is illegally settled to some persons under the political pressure and in the personal interest of the respondents.



2. Further, for quashing the order by which the platform in front of the shop of the petitioner is illegally settled in favour of the persons close to the respondents under the pressure of the political pressure and also in the personal interest.

3. The contents of the Writ petition disclose that in July 2011, the petitioner was allotted a shop-cum-godown No. F/V-11 in the Bazar Samittee, Gulab Bagh in the district of Purnea for business purpose, vide Letter No. 478/ Gulab Bagh, dated 01.07.2011, since then, he was running his business smoothly for his livelihood without any hindrance. However, upon confronting those persons, he was informed that the settlement had been made by the Sub-Divisional Officer, Purnea.

4. The petitioner filed the present Writ petition seeking the removal of the the encroachment from the platforms, as the respondents failed to take action despite requests.

5. A detailed counter affidavit was filed by the respondent No. 3 denying all allegations made by the



petitioner in the Writ petition. It is specifically contended by the respondent No. 3 that he never settled the platform as alleged by the petitioner with any person, and no question arises of any political pressure. The petitioner is still running his shop smoothly without any hindrance. Further, the petitioner seeks to occupy a portion of platform by way of settlement or encroachment for extension of his business. The platform is meant for the use of farmers and general public, and it cannot be settled with any individual. The encroachers are not permitted to encroach upon the platform and if there is any encroachment, they shall be removed.

6. Considering the contents of the counter affidavit, it is evident that the petitioner is running his business and shop smoothly and that there are no encroachments. Additionally the counter affidavit includes an undertaking that, if at all, any encroachment exists they shall be removed.

7. This Court is of the considerable view that there is no further necessity to pass any order in this case.



8. Considering the contents of the counter affidavit, the Writ petition is disposed of.

(G. Anupama Chakravarthy, J)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
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