

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2389 of 2025

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Tinku Paswan Son of Sahdeo Paswan, resident of Mohalla- Raniganj, Paswan Tola, Ward No. 6, P.O. - Maryganj, P.S. Raniganj, District - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Divisional Commissioner, Purnea Division, Purnea.
4. The Nagar Panchayat, Raniganj, P.O. and P.S. Raniganj, District- Araria.
5. The Executive Officer, Nagar Panchayat, Raniganj, P.O. and P.S. Raniganj, District- Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Awnish Kumar, Advocate
For the Respon.No.4&5	:	Mr.Rajesh Kumar, Advocate
For the State	:	Mr. Rohit Singh, AC to GP-6

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 27-04-2026 Heard Mr. S.B.K. Mangalam, learned counsel for the petitioner and Mr. Rajesh Kumar, learned counsel for the Nagar Panchayat, Raniganj as also learned State Counsel Mr. Rohit Singh, Mr. Sanjay Kumar for the State.

2. The present petition has been preferred for the following relief/s:

(i) for issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities for extension of time of contract by which a Sairat was settled in favour of the petitioner



on the ground that according to terms of contract, the petitioner was entitled to take possession of Sairat in question with effect from 1st of April, 2024 and he was entitled to continue till 31.03.2025, however, due to arbitrary order and illegal action of the Respondents, the possession of Sairat in question was since handed over to the petitioner on 12.07, 2024, he is entitled for collection of Sairat till 11.07.2025;

(ii) for a declaration that since the petitioner had already deposited the full and final settlement amount of Sairat in question before 31.03.2024 itself, his entitled for collection of said Sairat until 31.07.2025 cannot.

3. The Nagar Panchayat, Raniganj entered into an agreement with the petitioner with regard to the settlement of Barbana 'Hat' for a consideration amount of Rs.62,00,000/- for the period 01.04.2024 to 31.03 2025 (Annexure-P/4 to the petition).

4. Learned counsel for the petitioner submits that no



sooner he started collecting the tax, in came, the order of the Divisional Commissioner, Purnea Division, Purnea dated 15.04.2024 observing that since Model Code of Conduct was already there pursuant to the 2024 Parliamentary Election, the Nagar Panchayat, Raniganj wrongly entered into an agreement which be taken up only after the election period is over/the Model Code of Conduct comes to an end.

5. The submission is that finally from 12.07.2024 till 31.03.2025. He could realize the amount. The submission is that he had tasted of fruits only between:

(i) 01.04.2024 to 15.04.2024;

(ii) 12.07.2024 to 31.03.2025

6. In that background, he is entitled to the refund for the rest of two months 27 days (16.04.2024 to 11.07.2024).

7. A counter affidavit has come on behalf of the Nagar Panchayat, Raniganj and Mr. Rajesh Kumar representing the respondent submits that the facts are already on record which cannot be denied and in that background, if the petitioner approaches the Nagar Panchayat, Raniganj; an appropriate order shall be passed on his claims for the refund of the amount.

8. This Court has taken note of the facts of the case as



also the submissions put forward by the parties. The facts which are in the domain and not denied by the respondents is/are that:

(i) the parties entered into the settlement for the Barbana Hat for a consideration amount of Rs. 62,00,000/-;

*(ii) it was for the period between **01.04.2024 to 31.03.2025;***

(iii) pursuant thereto, the petitioner started taking rent from 01.04.2024 to 15.04.2024;

(iv) pursuant to the order of the Commissioner, Purnea Division, Purnea as recorded above which led to stoppage of the work of the petitioner;

(v) it commenced only on 12.07.2024 and continued till the last date (31.03.2025;

(vi) in that background, he certainly entitled to refund of the amount.

9. In that background, the writ petition is disposed of allowing the petitioner to approach the respondent no.05, the Executive Officer, Raniganj, Araria in next two weeks who shall be taking a decision within a period of further six weeks.



10. Needless to add that the amount that is decided by the Executive Officer, Nagar Panchayat, Raniganj, Araria may be released in favour of the petitioner by next four weeks failing which he shall be entitled to an interest of 9% thereafter, till the amount is paid.

(Rajiv Roy, J)

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