

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11656 of 2016

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Parwej Ekbal S/o Abdul Hannan, R/o Village, PO and PS- Valmiki Nagar,
District- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Water Resources Department, Govt. of Bihar, Patna.
3. The Chief Engineer, WRD, Valmiki Nagar West Champaran
4. The Superintending Engineer, Works Circle Valmiki Nagar, West Champaran
5. The Executive Engineer, Works Division, Valmiki Nagar, West Champaran
6. The Assistant Engineer, Works Sub-Division no.2, Valmiki Nagar, West Champaran
7. Santosh Kumar Son of Rameshwar Prasad R/o Village, PO and PS- Valmiki Nagar, District- West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	M/s Akash Keshav Dr. Shally Bharti Akanksha Mahiya Naina Mandal, Advocates
For the Respondent/s	:	Mr.Prabhat Ranjan Singh, AC to AAG 15

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 13-07-2026

1. The petitioner has filed the Writ
petition for the following reliefs:

*“For a direction upon the
respondents to settle Shop no.PB-04
situated at Gol Chowk, Valimik Nagar
(west champaran) to the petitioner
which has erroneously been allotted to
respondent no.7 ignoring the fact that
petitioner had also filed application for*



allotment of the said shop on 01.08.11 in the office of respondent no.4 and on the direction of said respondent no.4 the Superintending Engineer petitioner had invested huge money in the shop in question which was lying in abandoned condition and is presently running his computer institute since year 2013 itself after getting electric connection in an-ticipation of allotment /settlement of shop after quashing letter no.494 dated 02.12.2015 by which shop in question has been allotted to respondent no.7 San-tosh Kumar and quashing letter no.13 dated 26.02.16 by which petitioner has been asked to vacate the shop in question. And/or pass such other order orders to which the petitioner is entitled in facts and circumstances of this case."

2. The case of the petitioner, in brief, is that he is a highly educated person holding a Master's Degree in Computer Management (MCM) from Pune University and has been running a computer training institute, namely *Mahatma Gandhi Institute of Technical Education*, at Valmiki



Nagar, for imparting technical education to poor students. Pursuant to a departmental advertisement, the petitioner made his application on 01.08.2011, for allotment of Shop No. PB-04. It is his case that the Superintending Engineer orally assured him that the shop would be allotted to him after completion of the formalities and, in the meantime, permitted him to occupy and use the shop for running his institute.

3. The petitioner asserts that acting upon the said assurance, he renovated the dilapidated shop at his own expense, obtained an electricity connection in his own name, and has been regularly paying electricity charges since March, 2013. It is further stated that despite repeated requests, the respondents neither finalized the allotment in his favour nor communicated any reason for the delay. Subsequently, the shop was provisionally allotted to respondent no. 7, overlooking the petitioner's earlier application.

4. The petitioner further contends that when he submitted a representation against such



allotment, the respondents, instead of considering the same, instituted a criminal case against him alleging unauthorized occupation and non-payment of rent. He has since been granted anticipatory bail. Thereafter, the respondents demanded arrears of rent amounting to Rs.1,17,000/- calculated at the rate of Rs.2,250/- per month and directed him to vacate the shop.

5. The Learned counsel for the petitioner submits that the demand of rent is wholly arbitrary and illegal, inasmuch as the shop was never formally allotted to the petitioner and, therefore, no liability to pay rent at the enhanced rate could have been fastened upon him. It is further submitted that similarly situated shop allottees are being charged rent at the rate of Rs.55/- per month in terms of the departmental circular, whereas the petitioner alone has been subjected to discriminatory treatment by charging rent at Rs.2,250/- per month. It is also contended that despite being the earliest applicant and having invested substantial amounts in renovating the



premises and running his institute for public benefit, his claim was ignored and the shop was allotted to another person arbitrarily. According to the petitioner, the action of the respondents is discriminatory, unreasonable, and violative of Article 14 of the Constitution of India. Accordingly, a direction has been sought for allotment/settlement of Shop No. PB-04 in favour of the petitioner and for quashing the illegal demand of rent and consequential action taken against him.

6. A counter affidavit has been filed on behalf of the respondent Nos. 2 to 6 stating therein that the writ petition is wholly misconceived and not maintainable, as the petitioner has not approached this Court with clean hands. It is submitted that the petitioner was never allotted the shop in question by the competent authority and has illegally and forcibly occupied the Government shop without any valid allotment order.

7. It is further submitted that the



petitioner's plea that he was permitted by the then Superintending Engineer to occupy the shop is wholly false and unsupported by any document. According to the respondents, the shop is Government property and could be allotted only through a valid order of the competent authority. The electricity connection obtained by the petitioner in his own name was also unauthorized and cannot confer any legal right over the premises.

8. The Learned counsel for respondents submits that the shop was provisionally allotted to respondent no. 7 by Letter No. 494 dated 02.12.2015, subject to approval of the Shop Allotment Committee and other departmental conditions. Since the petitioner continued to remain in unauthorized occupation despite repeated notices, he was directed to vacate the shop and to pay penal rent for the period of illegal occupation. It is contended that the demand of rent at the rate of Rs.2,250/- per month represents penal rent for unauthorized occupation and not the



normal rent payable by regular allottees.

9. It is further submitted that several notices were issued to the petitioner requiring him to vacate the premises, but he failed to comply, compelling the department to lodge Valmikinagar P.S. Case No. 25 of 2016 against him for his unauthorized occupation. Subsequent departmental communications and inspections also reveal that the petitioner continued to remain in illegal possession of the shop even after its provisional allotment in favour of respondent no. 7.

10. The Learned counsel for respondents further submits that the petitioner, being an unauthorized occupant with no legal right over the shop, is not entitled to seek a writ directing allotment of the premises in his favour. and that the impugned notices and departmental actions are lawful and do not warrant interference under Article 226 of the Constitution of India. Hence, the writ petition deserves to be dismissed

11. Having considered the pleadings on record and the rival submissions advanced on



behalf of the parties, this Court finds that the petitioner has failed to establish any legal or vested right for allotment of the shop in question. Admittedly, no formal order for allotment of shop was ever issued in favour of the petitioner by the competent authority. Mere submission of an application for allotment of shop or the petitioner's claim of having occupied the premises on the basis of an alleged oral assurance, which is not supported by any documentary material, cannot confer any enforceable right in his favour. The materials brought on record indicate that the respondents consistently treated the petitioner as an unauthorized occupant and issued notices requiring him to vacate the premises and to pay penal rent for the period of unauthorized occupation. The subsequent provisional allotment of the shop in favour of respondent no. 7 has also not been shown to be vitiated by any illegality, arbitrariness or mala fides warranting interference in exercise of the writ jurisdiction under Article 226 of the Constitution of India.



12. In view of the facts and materials on record, this Court finds no illegality in the action of the respondent authorities. The petitioner has failed to establish any legal right to the reliefs claimed. Accordingly, no interference is called for in the present writ petition.

13. Accordingly, the writ petition is, dismissed.

14. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.07.2026
Transmission Date	

