

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8569 of 2025

Prayag Kumar, Son of Suresh Sharma, Resident of Address Mission Compound, P.S. Mahadewa, Anchal Pachrukhi, District Siwan, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Department of Urban Development and Housing Department, Government of Bihar, Patna
3. The Commissioner, Saran at Chhapra, Bihar,
4. The District Magistrate, Siwan, Bihar.
5. The Additional District Magistrate, Siwan, District Siwan, Bihar
6. The Executive Officer, Nagar Parishad, Siwan, Bihar,

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anshuman Singh, Adv. with Mr. Ranjay Kumar, Adv.
For the Respondent/s	:	Mr. Vikash Kumar, AC to AG

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-04-2026

The instant writ petition, in the nature of a Public Interest Litigation, has been filed seeking the following relief(s):-

“(i) In the nature of Mandamus directing the Respondent authorities to allot a suitable place for whole sale Vegetable or Fruit sellers for running the business of its member smoothly particularly the Vacant land at Mauza- Barhan Gopal, Thana No. 263, Khata



No. 600, Plot No.-1111, admeasuring area 2 bigha 03 Kattha and 13 Dhur.

(ii) In the nature of Mandamus directing to the Respondent authorities to comply the order of District Grievance Redressal Officer -Cum District Magistrate Siwan, vide Complain No. 416110111012403800, order dated 05/03/2024.

(iii) For grant of any other relief or reliefs which the petitioner may be found entitled to in the fact and circumstances of the case.”

2. It is the case of the petitioner that, in respect of the self-same reliefs as prayed for in the present Public Interest Litigation, a written application was submitted before the District Public Grievance Officer, Siwan, on 28.04.2023, which came to be disposed of vide order dated 05.03.2024. Aggrieved by the said order, the petitioner preferred an appeal before the Commissioner, Saran-cum-First Appellate Authority, Saran, which was disposed of on 20.06.2024, directing that the land situated at Mauza Barhan Gopal, Thana No. 263, Khata No. 600, Plot No. 1111, measuring an area of 02 Bigha 13 Kattha and 13 Dhur, be allotted within one month.

3. Since no further action was taken, the petitioner preferred a second appeal before the Principal Secretary, Urban



Development and Housing Department, Government of Bihar, Patna, wherein a similar order was passed on 27.01.2025. Hence, the present Public Interest Litigation.

4. A counter affidavit has been filed on behalf of respondent no. 6, the Executive Officer, Nagar Parishad, Siwan, stating therein that, in compliance with the order dated 20.06.2024 passed by the Commissioner, Saran, and the order dated 27.01.2025 passed by the Principal Secretary, Urban Development and Housing Department, Government of Bihar, the Nagar Parishad, Siwan, is fully prepared to shift the wholesale vegetable market to Mauza Barhan Gopal, Thana No. 263, Khata No. 600, Plot No. 1111, measuring an area of 02 Bigha 03 Kattha and 13 Dhur. It has further been stated that the Circle Officer, Siwan Sadar, vide Letter No. 829 dated 06.06.2024, informed the Sub-Divisional Officer, Siwan Sadar, that the said land belonged to the Market Committee and requested necessary action for obtaining a 'No Objection Certificate' from the Agriculture Department. Similar correspondence was made by the Sub-Divisional Officer, Siwan Sadar, to the District Magistrate, Siwan, and the matter was subsequently forwarded to the Revenue Branch, Siwan. The process for obtaining the 'No Objection Certificate' is still



pending at the level of the District Administration. It is further stated that upon receipt of the 'No Objection Certificate', the Nagar Parishad, Siwan, shall immediately proceed with the transfer and shifting of the wholesale vegetable market. The Nagar Parishad has expressed its readiness to extend full cooperation and has requested the District Administration to accord priority to the issuance of the 'No Objection Certificate'.

5. A counter affidavit has also been filed on behalf of respondents no.4 and 5, duly sworn by the Circle Officer, Siwan Sadar, reiterating the stand taken by respondent no. 6.

6. Another counter affidavit dated 03.02.2026 has been filed on behalf of respondent no. 4, the District Magistrate, Siwan, wherein it has been stated as follows:

"16. That the letter no. 3138-I, dated 22.12.2025 issued by the Additional Collector, Siwan a four member committee has been constituted under the Chairmanship of the S.D.O., Siwan Sadar, to provide a suitability report for the proposed land at Barhan Gopal.

17. That vide letter no. 2089 dated 26.12.2025 the committee has submitted joint in Investigation report concluding that the proposed land at Barhan Gopal lacks adequate ingress and egress for heavy vehicles.



Furthermore as the land is situated 3 Km by the municipal limits, it has been deemed unsuitable for the establishment of a vegetable and fruit mandi.

18. That the Additional Collector, Siwan, vide Letter No. 199 (Mu), dated 30.12.2025, has directed the Circle Officer (C.O.), Siwan Sadar, pachrukhi and Hussainganj to identify and select land suitable for the relocation of the wholesale vegetable and fruit market. The directive specified that the proposed site must be in close proximity to the town limits yet situated in a non-congested area, ensuring it possesses for the movement of heavy transport vehicles.”

7. A rejoinder affidavit has also been filed by the petitioner to the counter affidavits filed on behalf of the respondents.

8. Having considered the submissions and upon perusal of the counter affidavit filed by the District Magistrate, this Court finds that the Circle Officers of Siwan Sadar, Pachrukhi, and Hussainganj have already been directed, in December 2025, to identify and select suitable land for relocation of the wholesale vegetable and fruit market.

9. In view thereof, this Court expects that the



concerned Circle Officers shall take expeditious steps to comply with the aforesaid directions and finalize the selection of appropriate land, preferably within a period of two months from the date of receipt/production of a copy of this order. Thereafter, the District Magistrate, Siwan, shall take necessary follow-up action in accordance with law.

10. Accordingly, the writ petition stands disposed of.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02-04-2026
Transmission Date	

