

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9407 of 2025

Jaiprakash Yadav son of Surya Narayan Yadav, resident of village and P.O. Kuskapur, 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 Project Officer-cum- Additional Director, Urban Development and Housing Department, Government of Bihar, Patna.
4. The District Magistrate, Araria, District - Araria.
5. The Nagar Panchayat, Raniganj, P.O. and P.S. Raniganj, District - Araria through the Executive Officer.
6. The Executive Officer, Nagar Panchayat, Raniganj, P.O. and P.S. Raniganj, District - Araria.
7. Murli Manohar Singh son of Ramchandra Singh, Resident of village-Barbanna, P.O. Maryganj, P.S. Raniganj, District - Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.S.B.K.Mangalam, Advocate
For the respondent no.7	:	Mr. N. K. Agrawal, Sr. Advocate
		Mr. Kumar Rajeev, Advocate
For the State	:	Mr. M.N.H. Khan, SC-1
		Mrs. Babita Kumari, AC to SC-1
For respondent nos. 5&6:		Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 17-03-2026 Heard Mr.S.B.K.Mangalam, learned counsel for the petitioner and Mr. N. K. Agrawal, learned Senior Counsel for respondent no.07 as also Mr. M.N.H. Khan, learned counsel 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 CERTIORARI for quashing the order dated 30.05.2025 issued under the signature of the Respondent no.3 and contained in his letter no.2077 dated 30.05.2025, whereby and where under the Respondent no.3 has been pleased to direct the Respondent no.6 to cancel the settlement of Sairat namely Barbanna Hatt in view of enquiry report submitted by the Respondent no.4 and for settlement of aforesaid Sairat by holding a fresh auction in accordance with law maintaining full transparency etc.;

(ii) for issuance of an appropriate writ in the nature of CERTIORARI for quashing the order dated 30.05.2025 issued under the signature of the Respondent no.6 and contained in his memo no.227 dated 30.05.2025 whereby and where under the Respondent no.6 has been pleased to set aside the settlement of Sairat namely Barbanna Hatt in favour of the petitioner in the auction held on 26.03.2025 on the



ground that if by virtue of an open auction, the aforesaid Sairat was settled in favour of the petitioner and he had already deposited the requisite amount. the impugned order passed by the Respondent nos. 3 and 6 without any notice and opportunity of hearing to the petitioner cannot be sustained in law and is therefore, fit to be set aside;

(iii) for issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to allow the petitioner for collection of the Sairat namely Barbanna Hatt as he was doing with effect from 1 April, 2025 after deposit of requisite amount for which the Sairat is settled in favour of the petitioner;

(iv) for issuance of any other appropriate writ/writs, order/ orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.

3. The matter relates to settlement of the **Barbanna**



Hat and Raniganj Bus Stand pursuant to the notice/advertisement issued by **Nagar Panchayat, Raniganj, Araria dated 03.03.2025.**

4. It is the case of the petitioner that he being the highest bidder for the Barbanna Hat, after making payment of the bid amount of **Rs. 52,00,000/-** and **Rs.12,40,000/-** as security deposit amount and the execution agreement, the **letter no. 150 dated 29.03.2025** was issued by the **Executive Officer, Nagar Panchayat, Raniganj** allowing him to realize the rent between **01.04.2025 to 31.03.2026.**

5. The submissions is that thereafter, in came a letter from the **Urban Development and Housing Department, Bihar, Patna vide memo no. 2077 dated 30.05.2025** issued by the **Additional Director** (Annexure-P/9 to the writ petition) and immediately thereafter and without issuance of any notice/show cause, on the same day, **(30.05.2024)** vide **memo no. 227 dated 30.05.2025**, the **Executive Officer, Nagar Parishad, Raniganj**, annulled the said authority letter issued on **29.03.2025.**

6. The contention is that admittedly, he participated in a bid. Further, one Murli Manohar Singh (respondent no.7) was having criminal antecedent and as such the S.P., Araria withdrew his character certificate. In that background, he was



debarred from participating in the bid. Peeved by that, the respondent no.07 made complaint which led to the order in question. The submission is that when a valid agreement took place following the petitioner being highest bidder and after the payment of amount, the annulment of the authority letter within a period of two months without any notice not only led to huge economic loss to the petitioner, it also lowered his image.

7. Counter affidavit has come on behalf of the respondents and the contention is that Murli Manohar Singh was ousted from the auction in the light of application of amongst others the present petitioner whereas he too was having criminal antecedent being an accused in Raniganj P.S. Case and thus was ineligible for participation.

8. Learned Senior Counsel, Mr. N.K.Agrawal, representing the respondent no.7 submits that the agreement period was **01.04. 2025 to 31.3.2026** which is already coming to an end and fresh bidding will be taking place for the period **01.04.2025 to 31.3.2026**. The petitioner will have ample opportunity to participate in it.

9. Having heard the parties, this Court is of the opinion that once the petitioner was declared highest bidder, payments made, agreement executed which followed authority



letter issued for the period 01.04.2026 to 31.03.2026; the least that was expected from the Executive Officer, Nagar Panchayat, Raniganj (who was signatory to the said agreement/authority letter) was to serve a proper notice/show cause before passing the order in question. Merely because, the department sent a letter, without issuance of notice and/or providing opportunity to the petitioner to show cause his case, passing of the order on the same day definitely is in the teeth of the law of land.

10. Further, since the Executive Officer, Nagar Panchayat, Raniganj is the signatory to the said letter/memo no. 227 dated 30.05.2025, he will have to pay for it.

11. The order vide **memo no. 227 dated 30.05.2025** issued by the **Executive Officer, Nagar Panchayat, Raniganj** which was issued without service of notice to the petitioner stands quashed. Further, the Executive Officer, Nagar Panchayat, Raniganj shall be paying Rs.10,000/- to the petitioner for the loss the petitioner has suffered both mentally and economically.

12. However, as the period 31.03.2026 is coming to an end, the present process of collection may not be disturbed and shall continue till 31.03.2026. It has been informed that new bidding is taking place for 01.04.2026 to 31.03.2027.



13. It has been submitted by the learned counsel for the petitioner that he is entitled to the bid amount as also security amount deposited for twelve months but enjoyed the fruits only for limited period.

14. Learned counsel for Raniganj Panchayat submits that the petitioner was granted stay by a coordinate bench on 19.06.2025 till the filing of the counter affidavit which was filed on July, 2025.

15. In that background, the Executive Officer, Nagar Panchayat, Raniganj shall check the realization of amount by the petitioner and shall be returning the rest over amount. In case, there is any lacunae and/or the the Executive Officer, Nagar Parishad, Raniganj have different reports so far as the realization of the amount for rest of the period is concerned, he shall be passing a reasoned order. The entire process shall be completed within four weeks from the date, the copy of the order is received in his office.

16. The writ petition is disposed of with the aforesaid observation.

17. It is made clear that the admitted amount has to be paid within a period of four weeks failing which the petitioner shall be entitled to 6% interest on the amount till the



actual payment is made and that that has to be paid from the
pocket of the Executive Officer, Nagar Panchayat, Raniganj.

(Rajiv Roy, J)

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