

(2012) 07 JH CK 0226

In the Jharkhand High Court

Case No : Writ Petition (C) No. 2269 of 2012

Md. Alimuddin and Others

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 04-07-2012

Acts Referred:

Citation : (2012) 4 JLJR 421

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Advocate : Rajiv Nandan Pd, for the Appellant;

Final Decision : Dismissed

Judgement

N.N. Tiwari, J.—In this writ petition, the petitioners have prayed for quashing the letter issued by the respondent No. 3 dated 29.2.2012, whereby the representation of the petitioners regarding allotment of shops in Kharsawan Market Area (Kadamdiha) Chandni Chowk has been rejected by the respondent No. 2. The grievance of the petitioners is that they are displaced shopkeepers and they were assured for allotment of shops on re-construction, but the respondents have allotted the shops to different persons on the basis of draw of lottery. The petitioners filed representation protesting against the same, but by the impugned order their representation has been rejected.

2. Learned J.C. to S.C. (L&C) appearing on behalf of the respondents opposed the petitioners' claim of assurance by the respondents. No such document has been brought on record to show that any assurance for allotment of the shop in precedence to other was given to the petitioners. The petitioners' claim is also not admissible as the shops were allotted by draw of lottery and they took part in the same, but could not get. The petitioners have, thus, no ground for challenging the impugned order and the writ petition is fit to be dismissed.

3. I have heard learned counsel for the parties and considered the facts and materials on record.

4. Though the petitioners have claimed that the administration had given assurance to give preference in allotment of the shops as displaced shopkeepers, nothing has been brought on record in support of the same. In the impugned order the Deputy Commissioner has specifically mentioned that the shops were allotted on the basis of draw of lottery. The petitioners took part in the draw but they remained unsuccessful. He has further mentioned that the petitioners having taken part in the draw of lottery and remained unsuccessful, are estopped from challenging the process of allotment.

5. I find no illegality or arbitrariness warranting any interference with the same. This writ petition is, accordingly, dismissed.