
(2005) 03 JH CK 0037

In the Jharkhand High Court

Case No : Writ Petition (C) No"s. 21, 442 and 1036 of 2005

Nazma Khatoon, Displaced Footpath Shopkeepers Association
and Devendra Mishra

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 25-03-2005

Acts Referred:

Citation : (2005) 2 JCR 587

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Advocate : N.K. Chatterjee, W.P.C No. 21 of 2005, M.K. Dey and Arun Kumar, W.P.C No. 442 of 2005 and J. Mazumdar and D.K. Karmakar, W.P.C No. 1036 of 2005, for the Appellant; A.K. Sinha, A.G., Rajesh Kumar, (W.P.(C) No. 21 of 2005), H.K. Mehta, G.A., Rajesh Kumar, A. Sarkar and D.K. Bharti, (W.P.(C) No. 442 of 2005) and A.K. Sinha, A.G., R. Kumar, A. Sarkar and D.K. Bharti, (W.P.(C) No. 1036 of 2005), for the Respondent

Judgement

M.Y. Eqbal, J.—In these writ petitions, the matter relates to allotment of shops by the Chaibasa Municipality, Chaibasa.

W.P.C. No. 21 of 2005

2. In W.P.C. No. 21 of 2005, petitioner seeks a direction upon the respondents to allot one of the shops in Sadar Hospital Campus at Chaibasa on the ground, inter alia that she was running the shop in the said place for more than 13 years.

3. Respondents filed a counter-affidavit and stated that allotment of shop rooms was given effect by adopting lottery system under the Chairmanship of Deputy Development Commissioner and three others.

4. In course of arguments, learned counsel appearing for the respondents submitted that one shop shall be allotted to the petitioner.

5. In view of fair stand taken by the respondents, this writ petition is disposed of with a direction to the respondents to allot shop to the petitioner.

W.P.C. No. 442 of 2005

6. In W.P.C. No. 442 of 2005, the grievance of the petitioner is that although allotment of shops have been made in their favour but the respondents are not handing over possession of the shops to the members of the petitioner-Association.

7. It appears that the petitioner earlier moved this Court in W.P.C. No. 6034 of 2004 which was disposed of on 25.11.2004 by passing the following order :

"Heard the parties.

Petitioner has filed this writ application on behalf of 70 persons who alleged to have carried on business on the foot path alleging inter alia that pursuant to the notice for allotment of shops they made applications and deposited Rs. 5,000/- through bank draft before the Deputy Development Commissioner, West Singhbhum, Chaibasa. But all of them have not been allotted shops.

From perusal of documents annexed with the writ petition, it appears that shops have been allotted by Lottery System and the grievance of the petitioner is that the shops have allotted to the particular persons.

Be that as it may, this Court can not issue any direction upon the respondents for allotment of particular shop to a particular person. It is for the respondent authority to make allotment of shops in accordance with acceptable norms. If the petitioners or any of them has any grievance, they are at liberty to move before the Deputy Development Commissioner, West Singhbhum at Chaibasa who shall consider their grievances and take decision in accordance with law."

8. Learned counsel appearing for the respondents in this case also submitted that members of the petitioner-Association who have been allotted shops shall be given possession of the said shops.

9. Hence this writ petition is also disposed of with a direction to the respondents to hand over shops to the members of the petitioner-Association who are the allottees.

W.P.C. No. 1036 of 2005

10. In W.P.C. No. 1036 of 2005, petitioner seeks a direction upon the respondents to cancel the allotment of 68 shops allotted to the persons who are not even displaced persons and allot those shops only to those persons whose names have been registered as displaced persons.

11. In my opinion, in view of the direction earlier issued to the respondents in W.P.C. No. 6034 of 2004, no further direction need be issued.

12. This writ petition is also disposed of.