

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**W.P.(C) No.1645 of 2020**

Md. Arshad Khan ..... ... Petitioner

Versus

1. State of Jharkhand.
2. Secretary Urban Development and Housing Department Government of Jharkhand 4<sup>th</sup> Floor, Project Building, Dhurwa, Ranchi
3. Deputy Commissioner, Simdega
4. District Development Commissioner, Simdega
5. Executive Officer, Nagar Parishad, Simdega

.... .... Respondents

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**CORAM : HON'BLE MR. JUSTICE RAJESH SHANKAR**

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For the Petitioner : Mr. Jorong Jedan Sanga, Advocate

For the Respondents : Mr. K.K. Singh, S.C. VI  
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02/25.06.2020 The present writ petition is taken up today through Video conferencing.

2. The present writ petition has been filed for quashing/setting aside the Bandobasti Notice No.23/2019-2020 dated 24<sup>th</sup> February, 2020 issued by Executive Officer, Nagar Parishad, Simdega-respondent no.5 (Annexure-1 to the writ petition) whereby application was invited for Bandobasti Settlement of Vir Sahid Telga Kharia Bus Stand, Taxi Stand, Daily Bazar and weekly Bazar Simdega for the period from 1<sup>st</sup> April, 2020 to 31<sup>st</sup> March, 2021 but due to the COVID-19 pandemic, the terms of Bandobasti could not be met out. Further prayer has been made for quashing the letter no. 634(ii)/2020 dated 5<sup>th</sup> March, 2020 and letter no.930(ii)/2020 dated 23<sup>rd</sup> April, 2020 (Annexure-3 series to the writ petition) issued by the respondent no.5 whereby the petitioner has been asked to execute an agreement for the said Bandobasti of Taxi Stand, Simdega which the petitioner obtained in the bid in pursuant of Bandobasti notice no.23/2019-2020 dated 24<sup>th</sup> February, 2020. It has also been prayed for directing the respondents to refund/return the sum of Rs.24,50,000/- (Rupees Twenty Four Lakhs Fifty Thousand) which the petitioner has deposited before the Nagar Parishad, Simdega on 3<sup>rd</sup> March, 2020 by way of an advance for the Bandobasti of Taxi Stand, Simdega.

3. Learned counsel for the petitioner at the outset submits that petitioner has already represented the respondent no.5 informing inter alia that in the wake of COVID-19 situation and due to continuance of lockdown in the district of Simdega, it is not possible for the petitioner to

make the required collection and, thus, clause 4 of the Bandobasti notice no.23/2019-2020 cannot be fulfilled, therefore, the Bandobasti which has been made in his favour for the weekly Bazar, Simdega should be cancelled and the advance amount deposited in the office of Nagar Panchayat, Simdega should be refunded to him. It is further submitted that despite the representations preferred by the petitioner, the respondent no.5- has not responded to the same, which has caused great inconvenience and financial loss to the petitioner.

4. Mr. K.K. Singh, learned S.C. VI appearing on behalf of the respondents submits that the present matter is required to be considered by an appropriate authority. Hence, if the petitioner, prefers a fresh representation before the respondent no.5, an appropriate decision will be taken by the said authority.

5. Having heard learned counsel for the parties and keeping in view the nature of the prayer made in the present writ petition, without entering into the merit of the case, the petitioner is given liberty to file fresh representation before the respondent no.5-Executive Officer, Nagar Parishad, Simdega on the present issue. The respondent no.5, after providing due opportunity of hearing to the petitioner, shall take an informed decision within a period of two months from the date of filing of the said representation.

6. The present writ petition is accordingly disposed of with the aforesaid liberty and direction.

**(Rajesh Shankar, J.)**