

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No.-1611 of 2020

Bipin Kumar Tiwary

...Petitioner

-V e r s u s-

Zila Parishad, Dhanbad, represented through its Chairman, Zila Parishad,  
Dhanbad & Ors. ...Respondents

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

For the Petitioner :- Mr. P.C. Tripathi, Sr. Advocate  
For the Respondent no. 1 :- Mr. Navneet Toppo, Advocate  
For the Respondent no. 2 :- Mr. Jagdeesh, Advocate

05/09.07.2020

The present case is taken up through video conferencing.

Mr. Navneet Toppo, Advocate, submits that he has filed Vakalatnama on behalf of the respondent no.1-Zila Parishad, Dhanbad on 08.07.2019.

A supplementary affidavit has been filed on behalf of the petitioner wherein a copy of minutes of meeting of Zila Parishad Board, Dhanbad dated 11.01.2020 has also been annexed. On perusal of the said minutes of meeting, this Court finds that Agenda No.-3 has been considered and approved as under:

"सदस्यों के द्वारा सर्वसम्मति से बाजार दर पर आवंटित/नवीनीकरण करने हेतु प्रस्ताव सर्वसम्मति से पारित किया गया।"

However, the word "नवीनीकरण" has been inserted in handwriting by putting slash after the word "आवंटित". It also appears that someone has put its initial under the said insertion.

Learned Senior Counsel for the petitioner submits that though the period of allotment of restaurant situated at Bekarbandh Trisan House, Dhanbad has lapsed, the petitioner is still running the same in absence of any further permission/allotment. However, due to the present situation prevailing due to Corona (Covid-19) pandemic, the same is practically non-functional.

Having heard the learned Senior Counsel for the petitioner as well as the respondent no. 1- Zila Parishad, Dhanbad and the respondent no. 2- the Chairman, Zila Parishad, Dhanbad, I am of the view that the specific stand of the respondent no.1- Zila Parishad, Dhanbad is required for proper adjudication of the case.

Hence, the respondent no. 1 is directed to file its counter affidavit within a period of three weeks. Mr. Navneet Toppo, learned counsel for the respondent no.1, shall also procure the original file relating to allotment of the premises in question and the same shall be handed over to the court-master of this Court by 31.07.2020.

Considering the facts and circumstance, the respondent no. 1 is directed to lock and seal the said restaurant situated at Bekarbandh Trisan

House, Dhanbad by 5:00 P.M. on 10.07.2020 which will remain under seal till further order of this Court. Moreover, the auction process in pursuance of settlement notice as contained in memo no. 320 dated 06.06.2020 issued under the signature of the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Dhanbad shall also remain stayed till further order.

Put up this case on 05.08.2020 under the heading "For Admission".

**(Rajesh Shankar, J.)**

Ritesh/