
(2020) 01 PAT CK 0084

Patna High Court

Case No: Civil Writ Jurisdiction Case No. 13720 Of 2019

Banjara Fast Food
Mauryalok Complex

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision: Jan. 6, 2020

Hon'ble Judges: Ashutosh Kumar, J

Bench: Single Bench

Advocate: Abhinav Srivastava, Binod Kumar Sinha, Rakesh Ambastha, Prasoon Sinha

Final Decision: Disposed Of

Judgement

Heard Mr. Abhinav Srivastava, learned advocate for the petitioner, Mr. Prasoon Sinha for the Patna Municipal Corporation and Mr. Rakesh

Ambastha for the State.

A mobile Fast Food Van under the name of Banjara Fast Food has been directed to remove its van from the premises of Maurya Lok on the

ostensible plea of creating traffic congestion.

Mr. Srivastava, learned advocate for the petitioner has submitted that no policy has been formulated and the petitioner's food van has been

handpicked and has been asked to remove the same from the Maurya Lok premises. It has been submitted that this cannot be done on any pretext

whatsoever, even if it be for easing traffic congestion at a prime location in the city of Patna.

The aforesaid argument has further been bolstered up by indicating that there are several other food vans which have been allowed to operate from

the same premises.

Mr. Prasoon Sinha, learned advocate for the Patna Municipal Corporation has very fairly stated that there cannot be any exclusion of one particular

food van. If at all, traffic congestion is the motive for taking such a decision, all the food vans would be required to be removed or a policy is to be

formulated for allowing only certain number of such food vans.

That not having been done, the decision with respect to Banjara Fast Food is absolutely arbitrary and exclusionary, to say the least.

Precisely for this reason, the bench hearing this matter on the last occasion on 05.11.2019 directed the authorities of the Patna Municipal Corporation

to allow the Banjara Fast Food van to operate from the premises of Maurya Lok if other such food outlets have been permitted.

Mr. Prasoon Sinha, learned advocate for the Patna Municipal Corporation has submitted that a policy shall be evolved in order to limit the number of

such fast food windows and under the aforesaid policy, attempt shall be made to provide for de-congestion of traffic by limiting the number of such

fast food centres.

Once such a policy is formulated, necessary sequel action shall be taken and in that event, the petitioner/company shall have no objection if it is not

arbitrarily and the petitioner is not illegally singled out.

In the meantime, status quo shall be maintained. With the aforesaid direction/observation, the writ petition is disposed of.