

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1559 of 2009
IN
Civil Writ Jurisdiction Case No. 3052 of 2003

- =====
1. The State Of Bihar
 2. The Commissioner-Cum-Secretary, Revenue And Land Reforms Deptt., Govt. Of Bihar, Patna
 3. The Collector, Patna
 4. The Anchala Adhikari, Patna Sadar, Patna

.... Appellant/s

Versus

1. Ahilya Devi wife of Late Ramesh Prasad
2. Madhukar Shyam
3. Sudhakar Shyam Both sons of Late Ramesh Prasad All resident of Nageshwar Colony, Boring Road, Patna
4. Shri Arun Prasad S/O Late Nageshwar Prasad Senior Advocate, R/O Dak Bungalow Road, Patna At Present Nageshwar Colony, Boring Road, Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kundan Bahadur Singh, SC-2
For the Respondent/s : Mr. Dhruv Narayan, Sr. Adv.
Mr. P.K. Dipak, Adv.
Mr. Abhishek, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 26-06-2015

The respondents are lessees of Government land at Gandhi Maidan, Patna. The properties covered by such leases are called 'Khas Mahal Lands'. The respondents



submitted an application for renewal of the lease. The District Collector passed an order dated 6.1.2003, terminating the lease of the respondents on the ground that they have violated the terms of lease. The same was challenged by the respondents by filing C.W.J.C. No.3052 of 2003. Respondents plead that in the year 1973 the matter was dealt with by the Collector, and after verification of facts, he passed an order dated 14.4.1973 that there is no violation of conditions of lease and still, the order was passed on 6.1.2003, terminating the lease.

The petition was opposed by the appellants herein.

Learned Single Judge allowed the petition on 4.01.2008, by taking the view, that there was no justification for the Collector to pass the order dated 6.1.2003, ignoring his own finding contained in the order dated 14.4.1973. Accordingly, the order impugned in the writ petition was set aside and it was left open to the Collector, to pass fresh orders for renewal. The same is challenged in this Appeal.

Heard learned counsel for the appellants and learned counsel for the respondents.

The character of the land continues to be the

one, under lease. The Government stipulated certain conditions in the lease. One of them is that the appellant shall not sublease the land. Proceedings were initiated in the 1973 alleging violation, and after verification of the facts an order was passed holding that the allegation is not true. The said order has assumed finality.

Things would have been different altogether, had there been subsequent violations and fresh proceedings were initiated subsequent to 1973. The order impugned in the writ petition was passed by referring to the very violations that were the subject-matter of the order passed in the year 1973. Learned Single Judge took exception to that and allowed the writ petition.

We are in total agreement with the view taken by the Learned Single Judge. It is not even pleaded that there were any fresh violations on behalf of the respondents subsequent to 1973. In all fairness, it is also stated that 2 tenants of the respondent have since been evicted. In the facts and circumstances, we do not find any basis to interfere with the order passed by of the Learned Single Judge.

Appeal is dismissed.

Interlocutory application, if any, stands disposed

of.

There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Sudhir Singh, J)

K.C.jha/-
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