

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.323 of 2016

IN

Civil Writ Jurisdiction Case No. 18178 of 2008

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Shyam Kishor Jha, son of Ram Prit Jha, resident of village-Simariya Ghat, P.S. and Anchal Barauni, Sub Division and District-Begusarai.

.... Appellant/s

Versus

1. The State of Bihar
2. The Collector, Begusarai.
3. The Additional Collector, Begusarai.
4. The Deputy Collector, Land Reforms, Begusarai
5. The Circle Officer, Barauni, District Begusarai

.... Respondent/s

with

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Letters Patent Appeal No. 532 of 2016

IN

Civil Writ Jurisdiction Case No. 18800 of 2008

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Mundrika Jha Son of Hare Ram Jha Resident of Village- Simariya Ghat, Police Station and Anchal - Varauni Sub Divisional and District Begusarai.

.... Appellant/s

Versus

1. The State of Bihar Secretary, Patna.
2. The Collector Samaharnalay, PS+PO- Sadar, District Begusarai.
3. The Additional collector, Samaharnalay, PS+PO Sadar, District Begusarai.
4. The Deputy Collector, Land Reforms, Samaharnalay, PS+Po- Sadar District Begusarai.
5. The Circle Officer- Barauni, PO+PS Barauni District Begusarai.

.... Respondent/s

with

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Letters Patent Appeal No. 470 of 2016

IN

Civil Writ Jurisdiction Case No. 81 of 2009

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Shankar Sah, son of Bare Lal Sahu, resident of village-Simariya Ghat, P.S. and Anchal-Varauni, Sub-Division and District-Begusarai.

.... Appellant/s

Versus

1. The State of Bihar
2. The Collector, Begusarai.
3. The Additional Collector, Begusarai.
4. The Deputy Collector, Land Reform, Begusarai



5. The Circle Officer, Barauni, District Begusarai
..... Respondent/s
with

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Letters Patent Appeal No. 380 of 2016
IN
Civil Writ Jurisdiction Case No. 18795 of 2008

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Shyam Nandan Prasad Sahu, son of Anandi Sahu, Resident of village- Simariya Ghat, P.S. and Anchal Barauni, District Begusarai
..... Appellant/s
Versus

- 1. The State of Bihar
- 2. The Collector, Begusarai.
- 3. The Additional Collector, Begusarai.
- 4. The Deputy Collector, Land Reform, Begusarai
- 5. The Circle Officer, Barauni, District Begusarai.

..... Respondent/s
with

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Letters Patent Appeal No. 373 of 2016
IN
Civil Writ Jurisdiction Case No. 8 of 2009

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SURESH SINGH, Son of Ghan Shyam Singh, Resident of Village- Simariya Ghat, Police Station and Anchal- Varauni, Sub-Division and District- Begusarai.
..... Appellant/s
Versus

- 1. The State of Bihar,
- 2. The Collector, Begusarai,
- 3. The Additional Collector, Begusarai,
- 4. The Deputy Collector, Land Reform, Begusarai,
- 5. The Circle Officer- Barauni, District Begusarai.

..... Respondent/s

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Appearance :
(In LPA No.323 of 2016)
For the Appellant/s : Mr. Kamal Nayan Chaubey, Sr.Adv.
Mr. Ravindra Kr. Rai, Adv.
For the Respondent/s : Mr. Nasrul Hoda Khan, SC-1
(In LPA No.532 of 2016)
For the Appellant/s : Mr. Kamal Nayan Chaubey, Sr.Adv.
Mr. Ravindra Kr. Rai, Adv.
For the Respondent/s : Mr. Nasrul Hoda Khan, SC-1
(In LPA No.470 of 2016)
For the Appellant/s : Mr. Kamal Nayan Chaubey, Sr.Adv.
Mr. Ravindra Kr. Rai, Adv.



For the Respondent/s : Mr. Nasrul Hoda Khan, SC-1
(In LPA No.380 of 2016)
For the Appellant/s : Mr. Kamal Nayan Chaubey, Sr. Adv.
Mr. Ravindra Kr. Rai, Adv.
For the Respondent/s : Mr. Nasrul Hoda Khan, SC-1
(In LPA No.373 of 2016)
For the Appellant/s : Mr. Kamal Nayan Chaubey, Sr. Adv.
Mr. Ravindra Kr. Rai, Adv.
For the Respondent/s : Mr. Nasrul Hoda Khan, SC-1

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)
Date: 29-11-2017

All the appeals were taken up together and heard together because all arise out of a common order dated 16.12.2014.

If the appellants are interested in continuing with the settlement which according to them even otherwise was made orally which makes them month to month tenant and not a tenant for life, any effort made by the District Magistrate of Begusarai to re-fix the rent, may be a fair rent, of the shops and property in question which is in the larger public interest cannot be said to be erroneous. The learned Single Judge therefore held in favour of the decision of the Collector and, therefore, the appeals came to be preferred against the impugned order dated 16.12.2014.

The submission of learned senior counsel is that the principle of estoppel will come into play and the State is barred from going back on their promise.

To such submission, this Court can only observe that



the promise is said to be oral. Nothing is available on record to indicate that such kind of promise was made. If the promise is an invention of the mind of the present appellants, then the same cannot become a ground for promissory estoppel because there is something much more for the promissory estoppel to kick in. The decision of the learned Single Judge does not suffer from any infirmity. The choice is of the appellants, if they still want to enjoy the property, but for that they will have to pay the price which is current and concurrent.

Appeals are dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	
CAV DATE	
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