

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17670 of 2016

Md. Shahzad, S/o Late Abdul Rahman, resident of Mohalla- Topkhana Bazar,
P.S.- Kotwali, District- Munger.

... .. Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Munger.
3. Bihar State Beverages Corporation Ltd. Patna having its head office at Vidhyut Bhawan-II, Jawahar Lal Nehru Marg, Patna, through its Managing Director.
4. Managing Director, Bihar State Beverages Corporation Ltd. Patna having its head office at Vidhyut Bhawan-II, Jawahar Lal Nehru Marg, Patna.
5. Depot Manager, Indian Made Foreign Liquor/C.S. Munger.
6. Sub Divisional Officer, Munger.
7. Circle officer, Munger Sadar.
8. District Manager-cum-Depot Manager, Foreign Liquor, Depot Munger, Bihar State Beverages Corporation Ltd.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. D.K. Sinha, Senior Advocate
Mr. Abhinay Raj, Advocate
For the State : Mr. Shiv Kumar, A.C. to G.A.-3
For the Beverages Corporation: Mr. Girjesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

10 29-03-2019 Heard learned counsel for the respective parties.

In this case, the petitioner is submitting that he had given his premises on lease to Bihar State Beverages Corporation Ltd. at the rate of Rs.55/- per sq. ft. The lease agreement was for one year starting from 01.04.2016, but just thereafter the Government of Bihar has imposed the ban on sale and purchase of liquor and the same was enforced with effect from 01.04.2016, hence the premises could not have been used for the storage of liquor. One month's rent of lease premises has



been paid, but the claim has been made with effect from 01.05.2016 to 31.03.2017.

The department has disputed the claim of the petitioner and taken plea that it is not liable to make any payment as the key of the premises was handed over to the son of the petitioner on 06.04.2016 and thereafter the petitioner is in possession of the property, in question, which has emphatically been denied by the petitioner having stated that they have never handed over the possession of the premises as they have not shown either termination of the agreement or any letter showing handing over the possession.

These are the disputed questions of fact, cannot be decided in the present proceeding. The petitioner, if so advised, may file a suit before the appropriate Forum/Court for realizing of the amount of rent. If such a suit is filed, the Court/Forum will examine the case of the petitioner and decide the same in accordance with law.

With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

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