

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21529 of 2019

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Safeducate Learning Private Limited through its Area Manager, Manoj Kumar, S/o Sh. Chittranjan Prasad, R/o North Mandiri, P.S. Budha Colony, P.O. G.P.O. Patna- 800001, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Patna.
2. The District Magistrate, Patna.
3. Parwati Educational and Welfare Trust through its Trustee Smt. Malti Sinha, W/o Ramashish Singh Yadav, R/o Manoj Bhawan Punaichak, Patna- 800023

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Nivedita Nirvikar, Advocate
For the Respondent No. 3 : Mr. Yogesh Chandra Verma, Sr. Advocate
For the Respondent/s : Mr. Harish Kumar (GP-8)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 02-12-2019 Heard Ms. Nivedita Nirvikar, learned advocate for the petitioner, Mr. Yogesh Chandra Verma, learned senior advocate for the respondent No. 3 and Mr. Harish Kumar, learned advocate for the State.

The petitioner had entered into the premises owned by respondent No. 3 as a tenant and has invested reasonably good amount in making provisions for running a project funded by the Central Government under the name of *Deen Dayal Upadhyaya Grameen Yojna* for nurturing skills of 3000 rural and poor youth of



the State of Bihar.

The occasion for the petitioner to approach this Court arose when the property in question was attempted to be confiscated as the owner of the property stood convicted in a criminal case relating to various offences of the Indian Penal Code and the Prevention of Corruption Act. However, as on date, it appears that the order of confiscation has been stayed.

With the order of confiscation prior to it having been stayed temporarily by this Court, the State in the capacity of being the substituted owner of the property had served a notice to the petitioner for immediately evicting the premises. This sent the petitioner running to this Court for some accommodation as approximately 700 students were getting trained in the skill which would otherwise have made them competent to obtain employment under the government.

Mr. Verma, learned senior advocate appearing for private respondent No. 3 submits in the first instance



that this matter, with the relief sought for, does not qualify for being treated as a trade and commerce matter as there is no registered agreement between the lessor and the lessee. He has submitted that even assuming that respondent No. 3 had permitted the petitioner to run a project from his house, it was only contingent upon the petitioner paying the monthly rental to the respondent No. 3 with regularity. Since that is not being done from September of this year, the respondent No. 3 has also become interested in the eviction of the petitioner.

However, on the submissions advanced on behalf of the State that presently, no emergency exists as the order of confiscation has been temporarily stayed by the Court, the petitioner and the respondent No. 3 have jointly undertaken to continue as lessor and lessee, subject to the caveat that respondent No. 3 shall be paid the monthly rental regularly.

Since there is a stay on the order of



confiscation, presently there does not appear to be any emergent situation when the issue with respect to allowing the petitioner to continue with the project can be adjudicated.

Thus, the petition is being disposed off on the basis of an agreement which has been arrived at between the petitioner and respondent No. 3 while the argument of this case was in progress, that the petitioner shall pay monthly rental as agreed between the parties to respondent No. 3.

Should the property be confiscated at any point of time, it would be open for the State to rake up the issue of eviction of the petitioner. In that event, the petitioner shall have the liberty to approach this Court in case any rule or law is breached or if a view is taken by the State which would *prima facie* appear to be unreasonable in view of many students residing in the aforesaid building and getting trained under a programme funded by the Central Government.



The petition is disposed off with the aforesaid observation.

(Ashutosh Kumar, J)

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