

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.12 of 2020

In

Civil Writ Jurisdiction Case No.6550 of 2017

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Ashok Kumar Gupta S/o Late Krishna Kumar Gupta, Resident of Shop No. 9/86-87, Ward No,15, Goenka College, District- Sitamarhi.... ... Appellant/s
Versus

1. The State of Bihar through Secretary- Cum- Commissioner, Revenue and Land Reforms Department, Old Secretariat, Patna.
2. The District Magistrate Sitamarhi.
3. The Deputy Collector, In- Charge Khasmahal, Sitamarhi.
4. In-Charge Officer Khasmahal Sitamarhi, District- Sitamarhi.

... ... Respondent/s

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Appearance :

For the Appellant/s : Mr.Alok Kumar Jha, Advocate

For the Respondent/s : Mr.Md.Khurshid Alam (Aag12)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 01-12-2021

Heard learned counsel for the parties.

Aggrieved by the judgment and order dated 22.12.2019 passed in C.W.J.C. No. 6550 of 2017 passed by learned Single Judge of this Hon'ble Court dismissing the writ petition, the appellant has preferred this appeal.

Appellant had filed writ petition for setting aside the demand notice dated 28.01.2016 (Annexure 1) by which appellant was directed to deposit Rs.27,852/- as arrears of rent with penal rent in district Nazarat.

State of Bihar had leased out 13 acres of khas mahal

lands to SRK Goenka College, Sitamarhi and the management of Goenka College, sub-leased 1 bigha 13 khata and 6 dhurs of land to 130 shopkeepers including appellant for construction of shop to run their business and, thereafter, appellant and others shopkeepers paid rent till the month of February, 1984, however, the District Magistrate, Sitamarhi took exception to sub-lease part of the leased land by the Goenka College as same was not permissible in terms of the agreement and thereafter a letter dated 23.2.1984 was issued by the Deputy Collector, Khas Mahal, Sitamarhi to the appellant for settlement of Khas Mahal land on which appellant was running his shop with two conditions that he will have to deposit Rs.10,000/- per decimal as Salami and to pay Rs.500/- rent per year as land rent and the matter was amicably resolved between the shopkeepers including appellant and the district administration on 22.11.1985.

Appellant paid the rent on agreed terms till 1998 but thereafter did not pay the rent and authorities by demand notice dated 16.7.2005 asked appellant to deposit the rent with arrears which was challenged by the petitioner in CWJC No.1769 / 2006 which was disposed of by order dated 27.01.2011 with a direction to authorities to consider the objections raised by

appellant and others and thereafter a fresh demand notice dated 28.01.2016 was served on the appellant which he challenged under present writ proceeding.

It is submitted on behalf of counsel for the State that appellant never filed any objection within stipulated time pursuant to liberty granted by this Hon'ble Court and as such demand notice was issued on 28.01.2016 after due calculation of the recoverable amount in the light of order dated 27.01.2011 passed in CWJC No.1769/2006 and also in the light of Bihar Khas Mahal Policy, 2011 and from the year 1999-2000 to 2013-14, payable amount was assessed as Rs.27,852/- which included arrears of rent and penal rent which appellant was liable to pay.

This Court does not find any error or infirmity in the order passed by learned Single Judge and, accordingly, this LPA is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
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