

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7035 of 2021

1. Madhav Kumar, aged about 22 years, male, Son of Sri Ajay Kumar Resident of Dak Bungalow Road, P.S.- Hajipur Town, Hajipur, District- Vaishali.
2. Rajan Paswan, aged about 37 years, male, Son of Sri Mahesh Paswan Resident of Hospital Road, P.S.- Hajipur Town, Hajipur, District- Vaishali.

... .. Petitioners

Versus

1. Nagar Parishad, Hajipur through its Chief Executive Officer.
2. Chief Executive Officer, Nagar Parishad, Hajipur.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Ananat Kumar Sinha with Ms. Anju Kumari, Advocates
For the Respondents	:	Mr. Ankit Katriar, Adv.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

6 11-03-2022 This matter has been taken up for hearing online because of *COVID-19* pandemic restrictions.

2. The petitioners have filed the present writ application seeking direction to the respondents to proportionately reduce the lease rent amount from the total rent payable for the financial year 2020-2021 against the settlements, which were done soon before the outbreak of *Covid-19* pandemic, for Rs. 25,41,500/- and 17,00,000/- for their respective settled area. It is the petitioners' case that no



collection could be made because of complete lock down in the area in *Hajipur* town for about 4 months 3 days from 01-04-2020 to 08-06-2020 and from 11-07-2020 to 06-09-2020.

3. When this matter was taken up on 03-02-2022, following order was passed:-

“This matter has been taken up for hearing online because of COVID-19 pandemic restrictions.

Let counter affidavit be filed on behalf of Nagar Parishad, Hajipur by 03.03.2022.

The counter affidavit must disclose as to whether any decision has been taken by the Empowered Standing Committee of Nagar Parishad on the petitioner’s request to proportionately reduce the lease rent amount consequent upon lock down arising out of COVID-19 pandemic. Further, the lease agreement was entered into between the petitioner and the Nagar Parishad on 27.06.2020, but for the period beginning from 01.04.2020.

Let Nagar Parishad explain the circumstance in which the petitioner is being made to pay lease rent amount for the period 01.04.2020 to 26.06.2020.

List this case on 03.03.2020.”

4. A counter affidavit has been filed, wherein, the fact that the agreements were executed on 27-06-2020 has not been



disputed. It has, however, been stated that the *Parwanas* were issued in favour of the petitioners on 31-03-2020 and 01-04-2020. The fact that there was complete lock down during the aforesaid period is not in dispute.

5. It has also been stated in the counter affidavit that the Empowered Standing Committee of the *Hajipur, Nagar Parishad* is yet to take a final decision for realization of the amount for the period July to September 2020. It has been stated that presently, the Empowered Standing Committee is dissolved. A decision, it is the case of *Nagar Parishad*, shall be taken once the Empowered Standing Committee is constituted upon election.

6. It has also been specifically stated that no coercive action has been taken by the respondents till date because the matter is still pending before the Empowered Standing Committee for decision.

7. Considering the facts and circumstances of the case and the nature of controversy as noted above, we deem it appropriate to dispose of the writ application with a direction to the *Nagar Parishad* that let the petitioners' claim for the period 01-04-2020 to 08-06-2020 and July 2020 to September 2020 be considered by the Empowered Standing Committee and final



decision be taken as soon as it is possible. Till a final decision is taken by the Empowered Standing Committee, no coercive action shall be taken for realization of any amount from the petitioners in respect of the periods in question.

8. It is also observed that if the petitioners feel aggrieved by the decision of the Empowered Standing Committee, they shall have liberty to approach appropriate Forum/Court in accordance with law.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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