

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3905 of 2022

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M/s. Deo Construction through its Partner Rajesh Kumar, aged about- 42 years, Gender- Male, son of Sri Krishna Prasad, resident of Chandravati-Krishna Kutir, Krishna Chandra Colony, Patel Seva Nagar, Bhagwat Nagar, Road No. 5, Kumhrar, P.S. Kumhrar at and District- Patna.... ... Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Bihar Animal Science University through its Vice- Chancellor, Bihar Veterinary College Campus, Patna- 800014
3. The Registrar, Bihar Animal Science University, Bihar Veterinary College Campus, Patna- 800014
4. The Estate Officer, Bihar Animal Science University, Bihar Veterinary College Campus, Patna- 800014
5. The District Magistrate, Patna.
6. The Executive Engineer, New Capital Road Division (RCD), Public Works Department, Fire Brigade Campus, Buddha Marg, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kr. Sinha, Sr. Advocate
Mr. Bhola Kumar, Advocate

For the Respondent/s : Mr. Syed Iqbal Ahmad (Sc20)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-05-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

A. For issuance of a writ in the nature of certiorari quashing the Letter No.720/Sampada/B.A.S.U. dated 12.01.2022 issued by the respondent no.4 contained in Annexure-7 whereby exorbitant demand^{of} rent has been raised and the petitioner has been directed to vacate the premises.

- B. For directing the respondent nos.2 to 4 to not disturb the possession of the petitioner till completion of Government work.
- C. For staying the operation of Annexure-7 forthwith.
- D. For passing any other order/s, command/s or appropriate writ/s which your lordships deem fit and proper in the facts and circumstances of the instant case.

Petitioner through learned counsel, Shri Alok Kumar Sinha, Sr. Advocate, states that within one month from today, the site in question shall be vacated and possession thereof be handed over to the rightful claimant, be it the Bihar Animal Science University. Also, he shall pay such amount which is reasonable and in terms of the contract entered into between the parties. He further states that for such purpose, he will approach the competent authority by making a proper representation.

Statement accepted and taken on record.

We dispose of the present petition on the following mutually agreeable terms:-

(a) Petitioner shall positively hand over the vacant and peaceful possession of the site in question to the competent authority, be it the Bihar Animal Science University;

(b) Petitioner shall approach respondent no.4, namely, the Estate Officer, Bihar Animal Science University, Bihar Veterinary College Campus, Patna-800014 for recalculation of the amount of rent / damages due and payable for use of public property;

(c) Needless to add, the same has to be in terms of the agreement entered into between the parties;

(d) In view of the fact that communication dated 21st of January, 2022 (Annexure 7 page 22) incorporating an order imposing damages of Rs.9,76,666/- was passed without affording opportunity of hearing to the petitioner, we quash the same reserving liberty to the authority to pass an appropriate order in accordance with law;

Petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

Sanjay/-Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.05.2022
Transmission Date	NA

(S. Kumar, J)