

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8144 of 2021

1. Md. Masrurul Hassan, S/o Md. Manzurul Hassan, Lease holder of Shop no. 99 “Upper floor” Resident of Laxmi Narayan Road, Islampur, P.S. - Town, District - Muzaffarpur.
2. Punam Gupta W/o Shambhu Prasad Gupta, Lease holder of Shop no. 7 Resident of Laxmi Narayan Road, Islampur, P.S. - Town, District - Muzaffarpur.
3. Nisha Kumari, D/o Shambhu Prasad Gupta, Lease holder of Shop no. 97 Resident of Laxmi Narayan Road, Islampur, P.S. - Town, District - Muzaffarpur.
4. Rakesh Kumar Jayaswal, S/o Late Ram Narayan Chaudhary, Leaser holder of Shop no. 106, Resident of Laxmi Narayan Road, Islampur, P.S. - Town, District - Muzaffarpur.
5. Jamal Ahmad, S/o Abdul Gani, Lease holder of Shop no. 98 Resident of Laxmi Narayan Road, Islampur, P.S. - Town, District - Muzaffarpur.
6. Mohit Kumar, S/o Kumud Prasad Gupta, Leaser holder of Shop no. - 106 D Resident of Laxmi Narayan Road, Islampur, P.S. - Town, District - Muzaffarpur.
7. Sunil Kumar S/o Late Raghunath Prasad, Lease holder of Shop no. 82 Ground, Resident of Mohalla - Bank Road, P.S. Town, District - Muzaffarpur.
8. Manish Kumar S/o Late Nagendra Prasad, Lease holder of Shop no. - 44 Resident of Mohalla - Bank Road, P.S. Town, District - Muzaffarpur.
9. Ravindra Nath Gupta @ Ravindra Kumar Gupta S/o Late Bhagwan Das Gupta, Lease holder of Shop no. - 76 Ground Floor. Resident of Mohalla - Bank Road, P.S. Town, District - Muzaffarpur.
10. Manoj Kumar S/o Late Upendra Kishore Gupta, Leaser holder of Shop no. 80 Ground Floor and 82 Upper Floor. Resident of Mohalla - Bank Road, P.S. Town, District - Muzaffarpur.
11. Ajay Kumar Tiwary S/o Late Bhukhal Tiwary, Lease holder of Shop no. 70 Ground Floor, Resident of Mohalla - Bank Road, P.S. Town, District - Muzaffarpur.
12. Narendra Kishore Prasad, S/o Late Rameshwar Chaudhary, Lease holder of Shop no. 49 Ground Floor and Upper Floor, Resident of Mohalla - Bank Road, P.S. Town, District - Muzaffarpur.
13. Shambhu Prasad Saraf S/o Late Babulal Saraf, Lease holder of Shop no. 92, Resident of Mohalla - Bank Road, P.S. Town, District - Muzaffarpur.
14. Syed Imdad Haider Rizvi S/o Syed Mazhar Imam, Lease holder of Shop no. - 69 Ground Floor, Resident of Mohalla - Bank Road, P.S. Town, District - Muzaffarpur.
15. Dayashankar Prasad Thakur S/o Late Kameshwar Narayan Thakur, Lease holder of Shop no. - 73 Ground Floor and 76 Upper Floor. Resident of Mohalla - Bank Road, P.S. Town, District - Muzaffarpur.



16. Ajay Kumar Gambhir S/o Late Radhekrishna Gambhir, Lease holder of Shop no. - 91 Resident of Mohalla - Bank Road, P.S. Town, District - Muzaffarpur.
17. Sanjay Kumar Jain, S/o Late Puran Chandra Jain, lease holder of Shop no. - 81, Resident of Mohalla - Bank Road, P.S. Town, District - Muzaffarpur.
18. Sachin Binjrajka S/o Late Kailash Prasad Binjrajka, Lease holder of Shop no. - 99. Resident of Mohalla - Saraiyaganj, Kampany Bagh, P.O. - Town, District - Muzaffarpur.
19. Nehal Ahmad, S/o Mahmood Alam, Lease holder of Shop no. - 87 Resident of Mohalla - Madarsa Road, Maripur P.S. Kazimphammadpur, District - Muzaffarpur.
20. Anil Kumar Agrawal, S/o Late Radheshyam Agrawal, Lease holder of Shop no. - 100 Resident of 1/25 Chaturvedi Compound, Firojabad P.S. Nagar, District - Firojabad (U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Urban Development and Housing Department, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
2. Mayor, Municipal Corporation, Muzaffarpur.
3. The Municipal (Town) Commissioner, Municipal Corporation, Muzaffarpur.
4. The Chairman, Empowered Standing Committee, Municipal Corporation, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioners	:	Mr.Sanjay Kumar @ S.K., Advocate
For the State	:	Mr.Subhash Prasad Singh, G.A.-3
For Respondent-Municipal Corporation	:	Mr. Awadhesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

Date : 18-04-2022

The petitioners, 20 in number, have approached this Court seeking quashing of an order dated 24.11.2018, issued by the Municipal Commissioner, Municipal Corporation, Muzaffarpur, which discloses a



decision taken by the Empowered Standing Committee of the Corporation on 27.10.2018 to the effect that rent at the enhanced rate of Rs.8/- per sq.ft. in place of Rs.4/- per sq.ft. for wooden shops, and Rs.14/- per sq. ft. in place of Rs.7/- per sq.ft. for shop having concrete structure shall be levied from such shopkeepers who are running their shops without any agreement. Such shopkeepers whose agreement had not expired would be required to pay rent in accordance with the terms of the agreement, the decision envisages.

2. During the course of argument, our attention has been drawn to an order passed by a Division Bench of this Court in CWJC No.2084 of 2021 in a Public Interest Litigation, a copy of which has been brought on record by way of Annexure A to the counter affidavit filed on behalf of the Corporation, in which the same order dated 24.11.2018 was under challenge.

3. The Division Bench of this Court has disposed of the writ petition by an order dated 28.06.2021 in following terms :

“(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within



a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioner to approach the Court, if the need so rises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits.

All issues are left open;

(h) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;”



4. Learned counsel for the Corporation has submitted that the Corporation is considering all such matters in relation to fixation of rent in the light of the observations made by the Division Bench in the case of Pankaj Kumar Vs. The State of Bihar & Ors.(CWJC No.2084 of 2021) in respect of the same locality.

5. It goes without saying that whatever decision is taken by the Corporation, the same shall be applied uniformly to all similarly circumstanced persons.

6. The application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

PNM

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	
Transmission Date	N.A.

