

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7001 of 2022

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Santosh Kumar, Son of Vijay Singh, Resident of Sabalpur, Post Office and
Police Station-Rajgir, District-Nalanda (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Tourism and Development, Bihar, Patna.
2. The State Tourism Development Corporation Limited, A Public Sector Undertaking Owned and Controlled by the State of Bihar through its Managing Director, Veerchand Patel Path, Patna.
3. The Managing Director, the Bihar State Tourism Development Corporation Ltd., Patna, Veerchand Patel Path, Patna.
4. The General Manager, Bihar State Tourism and Development Corporation, Veerchand Patel Path, Patna, Bihar.
5. The Additional Managing Director, Bihar State Tourism Development and Development Corporation, Veerchand Patel Path, Patna, Bihar.
6. The Manager Hotel and Lease, Bihar State Tourism Development and Corporation, Veerchand Patel Path, Patna. Bihar.
7. Incharge Rope Way, Rajgir, District-Nalanda.
8. Mr. Gaurav Kumar, Incharge Rope Way, Rajgir, District-Nalanda
9. The District Magistrate, Nalanda at Biharsharif
10. The Superintendent of Police, Nalanda at Biharsharif
11. The Sub-Divisional Officer, Sub-Division-Rajgir, Nalanda
12. The Station House Officer, Rajgir Police Station.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satish Chandra Mishra, Advocate
For the Respondent/s : Mr. Sita Ram Yadav (GP-16)
Ms. Anukriti Jaipuriyar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER
(Per: HONOURABLE THE CHIEF JUSTICE)

2 21-06-2022

The petitioner has prayed for the following relief/s :-



- (i) For issuance an appropriate writ/writs in the nature of certiorari for quashing the impugned Order contained in Memo No. 300/22 dated 10.02.2022 (Annexure-1) issued by Respondent No.3 i.e. the Managing Director, the Bihar State Tourism Development Corporation

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Ltd., Patna, Veerchand Patel Path, Patna whereby and where under the Representation of the Petitioner dated 09.10.2021 (Annexure-8) given in pursuance of the Order dated 05.10.2021 (Annexure-7) passed by this Hon'ble Court in Petitioner's C.W.J.C. No. 16934 of 2021 with the prayer of the petitioner for extending/resetting the lease of his Toys' Shop situated in the area of Sky Ropeway in Rajgir tourist place in the district of Nalanda; has been rejected on non-est and unreasonable grounds and without considering the case of the Petitioner as the Petitioner has faced complete loss of its income due to lockdown on account of corona pandemic of COVID-19 from March, 2020 to the end of the lease period and as a result of which the Petitioner has faced a huge loss of money, but, has deposited the entire lease rent and other dues to the Bihar State Tourism Development Corporation Limited and this writ petition is filed in pursuance of the Order dated 10.02.2022 passed by this Hon'ble Court in petitioner's writ petition bearing CWJC No.20628 of 2021 with the remaining fact that the security deposit of the petitioner is still with the Corporation.

A true photocopy of the impugned order dated 10.02.2022 is annexed as Annexure-1 to this application.



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- (ii) For direction up on the concerned Respondents to restore and to put the Toys' Shop of the Petitioner at its place near to the Sky Ropeway which has been demolished and washed out and things of which have been kept with the concerned Respondents in secret manner at the instance of Mr. Gaurav Kumar, Incharge Sky Ropeway, Rajgir, District-Nalanda i.e. Respondent No. 7/8 in absence of the petitioner or his representative in a most illegal manner causing him heavy loss as this petitioner is a very poor person and as a result of which this petitioner has come on the road and has no any money to survive with his family.
- (iii) After the restoration of the shop of the Petitioner the concerned Respondents be directed to consider the case of the Petitioner' pathetic financial conditions and heavy loss occurred due to closure and demolition & removal of his shop/Establishment due to the COVID Pandemic as the shop of the Petitioner has remained closed/locked down on the decision of State Government of Bihar and the District Magistrate, Nalanda since 23.03.2020 for more than one and half years out of three years of the lease agreement and as such the shop of the Petitioner may be allowed to continue under any viable condition which may be renewal of the lease or on any amicable and bearable terms as there is no any outstanding dues of the Corporation on the petitioner.
- (iv) Any other relief/reliefs may also be granted in favour of the Petitioner for which he is found entitled for in the facts and circumstances of the case.

Learned counsel for the petitioner seeks permission to



withdraw the present petition reserving liberty to initiate appropriate proceeding invoking arbitration clause contained in agreement dated 29.05.2019 (Annexure-2, Page-26).

Permission granted.

The present petition stands disposed of as withdrawn with liberty aforesaid.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

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