

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8710 of 2022

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1. Devnarayan Diwakar S/o Late Domi Sah Resident of Village- Nirmali, P.S.- Nirmali, District- Supaul.
 2. Mohan Mandal S/o Dukha Mandal Resident of Village- Nirmali, P.S.- Nirmali, District- Supaul.
 3. Ugan Kumar S/o Umesh Sah Resident of Village- Nirmali, P.S.- Nirmali, District- Supaul.
 4. Dharmendra Mandal @ Dharmendra Kumar Mandal S/o- Arun Kumar Mandal Resident of Village- Nirmali, P.S.- Nirmali, District- Supaul.
 5. Devnarayan Chaudhary S/o Fuleshwar Chaudhary Resident of Village- Nirmali, P.S.- Nirmali, District- Supaul.
 6. Raman Kumar Raman S/o Ramchandra Mahto Resident of Village- Nirmali, P.S.- Nirmali, District- Supaul.
 7. Bharat Kumar @ Bharat Purve S/o Thako Mandal Resident of Village- Nirmali, P.S.- Nirmali, District- Supaul.
 8. Chhedi Mahto S/o Mahaveer Mahto Resident of Village- Nirmali, P.S.- Nirmali, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Govt. of Bihar, Patna.
2. Bihar Hindu Religious Trust Board, Patna Through its Chairman, Vidyapati Marg, Patna- 800001.
3. The Administrator-cum-Special Officer Bihar Hindu Religious Trust Board, Patna, Vidyapati Marg, Patna- 800001.
4. The Chairman Bihar Hindu Religious Trust Board, Patna, Vidyapati Marg, Patna- 800001.
5. The Sub Divisional Officer Nirmali, Supaul.
6. The Circle Officer Nirmali, Supaul.
7. The Chairman, Trust Committee Ram-Janki Mandir, Hatia Road, Nirmali, Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Yadav, Advocate
		Mr. Prashant Kumar, Advocate
For the Respondent/s	:	Mr. Rishi Raj Sinha, SC-19
		Mr. Shekhar Singh, Advocate

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



(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-08-2022

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s):-

- (I) For setting aside memo no-1042-2 /nimali dated 25.08.2021 issued under the seal and signature of Sub Divisional Officer whereby and whereunder the petitioner no- 1 & 2 have been directed to vacate the shop and petitioner no- 3 to 8 have been directed to pay enhanced rent of the shops located in the premises of Shri Ramjanki Thakurbari , Hatia Road , Nirmali, Supaul.
- (II) For setting aside memo no-802 & 803 dated 30.05.2022 issued under the seal and signature of President, Trust Board, Ram-janki Mandir, Hatia Road, Nirmali, Supaul , whereby and where under the petitioners no- 1 & 2 have been directed to vacate the shop and petitioner no- 3 to 8 have been directed to pay enhanced rent of the shops located in the premises of Shri Ramjanki Thakurbari , Hatia Road , Nirmali, Supaul within 7 days of receipt of notice.
- (III) For issuance of an appropriate writ/s, direction/s Commanding the respondent S.D.O to dispose of the application dated 28.08.21 filed by the petitioners for determining the enhanced rent so that they be able to run their respective shops which is the only source of livelihood and survival for them. The application dated 28.08.21 is still pending consideration
- (IV) Any other relief(s) that the petitioner may be found entitled to under the facts and circumstances of the case.

It is not in dispute that proceedings assailing the order fixing the rent is pending before the Appellate Authority.



Under these circumstances, petition is disposed of with a direction to the petitioners to appear before the appropriate authority on 22nd of August, 2022 at 10:30 A.M. and place all materials in support of their claim.

The appropriate authority shall decide the proceedings within a period of three months from the date of appearance of the petitioners along with a copy of this order.

Till the proceedings are concluded, no coercive steps be taken against the petitioners.

Petitioners undertake to fully cooperate and not take any unnecessary adjournment.

However, should the petitioners endeavour to procrastinate the proceedings, order of grant of interim protection shall stand vacated.

It is made clear that we have not expressed any opinion on merits. All issues are left open.

The petition stands disposed of in the aforesaid terms.



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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	05.08.2022
Transmission Date	

