

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1200 of 2016

In
Civil Writ Jurisdiction Case No.19325 of 2013

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Khas Mahal Citizen's Welfare Society, a Society duly registered under the Societies Registration Act, 1860, having its registered office at Budh Murti, Baldeo Sahay Path, Kadamkuan, through its General Secretary, Mr. Shailendra Nath Sinha (Male), aged about 57 years, son of Late Kapileshwar Nath, resident of D Block Nala Road, Kadamkuan, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna
2. Shri Vyas Ji, Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna
3. The Chief Minister, through the Chief Secretary, Government of Bihar, Patna
4. Shri Anjani Kumar Singh, Chief Secretary, Government of Bihar, Patna
5. Shri Sanjay Kumar Agarwal, District Magistrate-cum-Collector, Patna
6. Shri Wazain Uddin Ansari, Addl. Collector (Revenue), Patna
7. Shri Shamim Akhtar Mazheri, Circle Officer, Patna Sadar, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Nikhil Kumar Agrawal, Advocate
		Ms. Aditi Hansaria, Advocate
		Mr. Jitendra Kishore Verma, Advocate
For the Opposite Party/s :		Mr. Devendra Kr Sinha, Advocate
		Mr. Sarvesh Kumar Singh, AAG-13

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT
Date : 30-11-2022

Re: I.A. No. 1 of 2022

The instant Interlocutory Application has been filed for making necessary correction in the cause-title of the petition.

For the reasons mentioned in the application, the same is allowed.

Petitioner is allowed to make necessary correction in



the cause-title of the petition.

Registry to take follow up action.

I.A. No. 1 of 2022 stands disposed of.

Re: MJC No. 1200 of 2016

The instant petition has been filed for initiation of contempt proceedings against the opposite parties for deliberately and wilfully not complying with the judgment dated 08.10.2015, passed by a co-ordinate Bench of this Court in CWJC No. 19325 of 2013, titled as Khas Mahal Citizen Welfare Society Vs. The State of Bihar & Ors.

Operative portion of the aforesaid judgment dated 08.10.2015, which is alleged to have been violated, reads as under:-

“I have already discussed some of the covenants of the lease present at Annexure-2 series and certainly it is not in the nature of simple contract rather it is in the nature of transfer of interest in land and creates a vested legal right in the lease holder to the exclusion of others. The contractual obligations cast on the parties to the lease exercised under the ‘Khas Mahal Manual’ would bind the parties until the lease is determined by a competent forum. The State as a lessor in such circumstances can neither refuse acceptance of rentals nor can refuse a renewal.

In my considered opinion in the circumstances discussed hereinabove and taking into consideration the



covenants present in the existing lease executed in between the State and the lessees under the 'Khas Mahal Manual', any attempt by the State to impose the conditions present in the '2011 Policy' would be an act of arbitrariness, in teeth of the judicial precedent and a blot on the State's action in the contractual sphere.

For the reasons aforementioned, this Court even while reserving its opinion as regarding the merits of the "2011 Policy" does deem it fit and proper to hold that the "2011 Policy" can not be made applicable to the pre existing lease(s) entered in between the State as a lessor and the individual / juristic person on the other hand as a lessee and the right of the parties under such lease(s) would continue to be governed by the provisions of the 'Khas Mahal Manual' and the covenants present in the lease(s).

The writ petition is accordingly allowed."

In the response affidavit, the respondents have averred as under:-

"7. That it is humbly submitted that in view of 51 applications received with regard to issuance of revenue receipt, 25 applications have been disposed and revenue receipts issued to the Khas Mahal land owners. The remaining matters are under consideration and will be disposed within a short period of time."

The instant petition stands disposed of with a



direction to the respondents to positively take a decision with respect to the pending 25 applications after ascertaining the authenticity of the applicants vis-a-vis the membership of the petitioner society and the fact that they were members at the relevant point in time.

Needful be positively done within a period of four weeks.

The Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna shall personally supervise the same.

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

(Sanjay Karol, CJ)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	01.12.2022
Transmission Date	

