

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11476 of 2022

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Amit Kumar Nayak Son of Kamal Nayak, Resident of Village- Ward No. 12,
Nayak Tol, Jhanjharpur, Police Station- Jhanjharpur, Town, District-
Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Agriculture Department,
Govt. of Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Sub Divisional Officer cum Special Officer, Agriculture Produce
Market, Jhanjharpur, District- madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rana Sanjay Kumar Singh, Advocate
For the Respondent/s : Mr.Sarvesh Kr. Singh (AAG-13)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

**(The proceedings of the Court are being conducted through Video
Conferencing and the Advocates joined the proceedings through Video
Conferencing from their residence.)**

Date : 12-08-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- I. To issue an appropriate order/s, direction/s including a writ in the nature of Certiorari for quashing the Letter No. 365 dated 22.12.2021 issued for the Office of Respondent No. 3 the Sub Divisional Officer cum Special Officer, Agriculture Produce Market (Dissolved) Jhanjharpur, whereby and whereunder the Petitioner has been directed to Pay sum of Rs. 67,695 with respect to arrears of rent for the Month July 2020 to December 2021 for the shop cum Godowns / Shop and Godown allotted to the petitioner within three days in the Office of Agriculture Produce Market Samiti (Dissolved) Jhanjharpur failing which allotment shall be canceled.
- II. To direct the Respondent No. 3 to fix fair rent with respect to the Shop cum Godowns / Shop and Godown in terms of Clause 2 (III) of the Officer order as contained in No. 566 / Patna dated 23.12.2016 of the Respondent No. 1 i.e. Principal Secretary Department of Agriculture, Bihar, Patna.
- III. To any other reliefs which the petitioner may be found entitled in the facts and circumstance of the case.

After the matter was heard for some time, learned counsel appearing on behalf of the petitioner, under instructions, states that petitioner may be permitted to prefer an appeal against the impugned order before the Appellate Authority.

Permission granted.

Learned counsel for the respondents states that if such an appeal is preferred within a period of four weeks from today, the issue of limitation, if any, shall neither be raised nor allowed to come in the way of adjudication of the appeal on

merits.

Statement accepted and taken on record.

As such, petition stands disposed of in the following mutually agreeable terms:-

(a) Petitioner is permitted to prefer an appeal within a period of four weeks from today;

(b) In the event of appeal being preferred within a period of four weeks from today, the issue of limitation shall not come in the way of adjudication of the appeal on merits;

(c) Opportunity shall be granted to the parties to place on record all essential documents and materials, if so required and desired;

(d) Petitioner through learned counsel undertakes to fully cooperate and not take unnecessary adjournment;

(e) The Appellate Authority shall decide the appeal on merits, in compliance of the principles of natural justice;

(f) The Appellate Authority shall pass a reasoned and speaking order, within a period of eight weeks from the date of filing of the appeal;

(g) Copy of the reasoned and speaking order passed by the Appellate Authority shall be supplied to the parties;

(h) Equally, liberty reserved to the parties to take

recourse to such other remedies as are otherwise available in
accordance with law;

(i) 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;

(j) We have not expressed any opinion on merits and
all issues are left open;

(k) Liberty reserved to the petitioner to challenge the
order, before the appropriate forum, if required and desired.

The instant petition stands disposed of in the
aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	