

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12172 of 2022

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Rajesh Kumar @ Rajesh Kumar Lohiya Son of Santosh Kumar Lohiya,
Resident of Village-Ward No.7, Jhanjharpur, Police Station-Jhanjharpur,
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, Dist-Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rana Sanjay Kumar Singh, Advocate
For the Respondent/s : Mr.Raghwanand (GA 11)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 26-08-2022

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. 369 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.1,56,672/- 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 Officer of Agriculture Produce Market Samiti (Dissolved) Jhanjharpur failing which allotment shall be cancelled.

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, the Principal Secretary Department of Agriculture, Bihar, Patna.

III. To any other relief/s which the petitioner may be found entitled in the facts and circumstances 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)

(Satyavrat Verma, J)

K.C.Jha/DKS

AFR/NAFR	
CAV DATE	
Uploading Date	30.08.2022
Transmission Date	

