

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1500 of 2018

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1. Asif Raza, son of late Arif Raza Resident of Village Bhola Tola, Chanpatiya, P.O. Chanpatiya, P.S. Chanpatiya, District West Champaran, Bihar.
 2. Hamid Raza, son of late Arif Raza Resident of Village Bhola Tola, Chanpatiya, P.O. Chanpatiya, P.S. Chanpatiya, District West Champaran, Bihar.
 3. Asaraph Alam, son of Md. Asgar Ali resident of House No. 266A, Village Tikuliya, Chanpatiya, P.O. Chanpatiya, P.S. Chanpatiya, District West Champaran, Bihar.
 4. Nashim Alam S/o Md. Bhola Miyan Resident of House No. 259, Bhola Tola, Village Tikuliya, Chanpatiya, P.O. Chanpatiya, P.S. Chanpatiya, District West Champaran, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Joint Secretary, Agriculture Department, Government of Bihar, Old Secretariat, Patna.
3. The Sub Divisional Officer, Bettiah Sadar Cum Special Officer, Agriculture Produce Bazar Samiti (Dissolved), Chanpatiya, West Champaran, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Suraj Samdarshi, Advocate

For the Respondent/s : Mrs.Anamika Kumar, AC to GP-21

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

8 26-09-2022 The present writ petition has been filed seeking quashing of the notice dated 24.03.2017, issued by the Sub-Divisional Officer, Bettiah Sadar-cum-Special Officer, Agriculture Produce Bazar Samiti (Dissolved), Chanpatiya, West Champaran, Bihar i.e. respondent no.3, whereby and whereunder it has been directed that in case the petitioners have not deposited the rent of the shop in question, upto 31.03.2017, the allotment of their shops shall stand cancelled automatically.



The learned counsel for the petitioners has submitted by referring to the supplementary affidavit filed in the present case, that the petitioners have already paid rent for the period upto 31.03.2017. It is also submitted by referring to the supplementary counter affidavit filed by the respondents, wherein, the allotment letters have been annexed, that since the recital portion of the said allotment letters in question stipulates that in case of failure on the part of the lessee to make payments reserved on the appointed day, the lessee shall pay penal charges at the rate of Rs.10/- per day, any default in making payment of the lease rent would not automatically lead to cancellation of allotment of the shops in question and in fact, the petitioners ought to have at least been given a chance to make payment of the outstanding rent along with the penal charges.

Having regard to the facts and circumstances of the case, as also considering the submissions of the learned counsel for the petitioners and the learned counsel for the respondents to the effect that the petitioners may be granted liberty to approach the respondent no.3, by filing appropriate representation so that their cases may be considered not only in accordance with law, but also as per the terms and conditions stipulated in the allotment letters of the petitioners, I deem it fit and proper to



grant liberty to the petitioners to file appropriate representations before the respondent no.3, and in case such representations are filed within a period of four weeks from today, the same shall be adjudicated, in accordance with law and a reasoned and a speaking order shall be passed within a period of 12 weeks, thereafter.

It is needless to state that the impugned notice dated 24.03.2017, shall be kept in abeyance till the passing of the final order by the respondent no.3, on the representations to be filed by the petitioners.

(Mohit Kumar Shah, J)

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