

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3914 of 2021

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Om Prakash Kumar, S/o Nirmal Narendra Rai, Resident of Road No. 2, Extension, L.B.S. Nagar, P.O.-Rajbansi Nagar, P.S.-Shastri Nagar, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principle Secretary Land Reforms Department, Government of Bihar, New Secretariat, Patna.
2. The Principle Secretary Agriculture Department, Govt. of Bihar.
3. The Under Secretary Agriculture Department, Govt. of Bihar.
4. The Collector cum District Magistrate, Patna.
5. The Additional Collector, Patna.
6. The Deputy Collector, Land Reforms, Patna Sadar, Patna.
7. The S.D.O. cum Special Officer, Patna City, District-Patna.
8. The Circle Officer, Sadar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Dubey, Advocate
For the Respondent/s : Mr.Anant Pd. Singh, SC-15

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

2 21-01-2022 The matter has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.

2. It is the petitioner's case that shops No. 1, 2 and 3 were allotted in favour of Arun Kumar, Arshad Arif and Ramashish Rai at Rajbanshi Nagar, Patna by Bihar Agriculture Marketing Board. It is his case that the said shops have been



sub-let to the petitioner by the respective lessees and accordingly petitioner has constructed the shops in terms of agreements entered into between the Marketing Board and the lessees.

3. This writ petition has been filed seeking a direction to the authorities to realise/ receive rent from the petitioner against the said shops. He is said to have filed representation before the authorities on 28.12.2018, which has yet not been decided.

4. On the basis of what has been asserted in the writ petition and the documents which have been brought on record by way of Annexures, we are of the view that the petitioner has not been able to make out any case in his favour. Admittedly, the shops were let out to said Arun Kumar, Arshad Arif and Ramashish Rai. From the deed of lease, a copy of which has been brought on record, it appears that the shops were required to be constructed by the lessee. The agreement does not contain any provision permitting sub-letting of the shops.

5. In any view of the matter, the petitioner cannot be said to have established any relationship of landlord and tenant with the Marketing Board or any successor body of the Marketing Board. The prayer that this Court should direct the



Marketing Board/ competent authority to realise rent from the petitioner in respect of the shops and grant rent receipt is thoroughly misconceived.

6. This writ application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

Rajesh/-

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