

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20546 of 2021

Nilima Hospitality and Caterers Private Limited a company registered under Indian Companies Act, 1956 having registered office at Tarkeshwar Nagar Colony, Near Aara Garden Road, Jagdeo Path, Patna through its Managing Director Amrendar Kumar, aged about 42 years, Male, Son of Bharat Choudhary, Resident of Village- Kasaundhi, Post Office- Kasaundhi, Police Station- Mirganj, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Tourism and Development, Bihar, Patna.
2. The State Tourism Development Corporation Limited, A Public Sector Undertaking owned and controlled by the State of Bihar through its Managing Director, Veerchand Patel Path, Patna.
3. The Managing Director, the Bihar State Tourism Development Corporation Ltd., Patna, Veerchand Patel Path, Patna.
4. The General Manager, Bihar State Tourism and Development Corporation, Veerchand Patel Path, Patna, Bihar.
5. The Additional Managing Director, Bihar State Tourism and Development Corporation, Patna, Veerchand Patel Path, Patna, Bihar.
6. The Manager Hotel and Lease, Bihar State Tourism and Development Corporation, Veerchand Patel Path, Patna, Bihar.
7. Incharge Rope Way, Rajgir, District- Nalanda.
8. Mr. Gaurav Kumar, Incharge Rope Way, Rajgir, District- Nalanda.
9. The District Magistrate, Nalanda at Biharsharif.
10. The Superintendent of Police, Nalanda at Biharsharif.
11. The Sub-Divisional Officer, Subdivision-Rajgir, Nalanda.
12. The Station House Officer, Rajgir Police Station.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Satish Chandra Mishra, Advocate
For the Respondent/s	:	Mr.Kapileshwar Pd. Yadav (G.P.11)
		Ms. Anukriti Jaipuriyar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(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.)

2 10-02-2022 Petitioner has prayed for following relief(s) : -

“(i) For issuance an appropriate writ/writs directing the concerned Respondents to produce the order of the Managing Director, the Bihar State Tourism Development Corporation Ltd, Patna i.e. Respondent No.3 rejecting the Representation dated 09.10.2021 (Annexure-) of the Petitioner submitted in pursuance of Order dated 05.10.2021 passed by this Hon'ble Court in Petitioner's C.W.J.C. No. 16950 of 2021 and on such production the same be quashed as well as for quashing the impugned follow up order/communication dated 22.10.2021 (Annexure-) of Respondent No.6 i.e. Manager Hotel and Lease, Bihar State Tourism and Development Corporation whereby and where under the Petitioner has been directed to vacate the space of his Fast Food Shop near to Sky Ropeway and to deposit the outstanding dues without hearing or considering the case of the petitioner and in utter discrimination, Pandemic situation and the immense loss of the Petitioner and also that many other Shops, Hotels and other establishments under the corporation which are running since very long time by extending, renewing their lease and even without clearance of their dues, however, the petitioner has deposited the entire dues even by facing loss in his business and by taking heavy loans due to closure of his shop for more than one and half years and as such the petitioner may be held to be entitled for the relief for continuing his shop with his poor workers on bearable and/or amicable terms for adequate period.



(ii) The concerned Respondents be directed to consider the case of the Petitioner pathetic financial conditions and heavy loss occurred due to closure of his Establishment due to the COVID Pandemic as the shop of the Petitioner has remained closed/locked down on the decision of State Government of Bihar and the District Magistrate, Nalanda since 23.03. 2020 for more than one and half years out of three years of the lease agreement and as such the shop of the Petitioner may be allowed to continue under any viable condition which may be renewal of the lease or on any amicable and bearable terms as there is no any outstanding dues of the Corporation on the petitioner.

(iii) Any other relief/reliefs may also be granted in favour of the petitioner for which he is found entitled for in the facts and circumstances of the case.”

Ms. Anukriti Jaipuriyar, Learned counsel for the respondents, refutes the statement made on behalf of petitioner that no order stands passed on the petitioner’s representation pursuant to the directions issued by this Court vide order dated 05.10.2021, passed in C.W.J.C. No. 16950 of 2021, titled as Nilima Hospitality @ Hospitality and Caterers Private Limited Vs. The State of Bihar & Ors. (Annexure-7, page-36).

Also Ms. Jaipuriyar states that copy of the order stood supplied to the petitioner. As such, the submission made is factually incorrect.

Be that as it may, Ms. Jaipuriyar states that copy of the order shall be communicated to the petitioner in the next two



working days.

Learned counsel for the petitioner states that the petitioner shall approach Respondent No. 3, namely The Managing Director, The Bihar State Tourism Development Corporation Ltd., Patna, Veerchand Patel Path, Patna, for collecting the order.

Also, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

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.

Petition is disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/chn

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