

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18190 of 2019

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Bishwnath Sah @ Vishwnath Sah S/o Late Jivlal Saw R/o - Taregna Dih, P.S.-
Masaruhi, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Agriculture Department.
2. S.D.O. cum Special Officer of Agriculture Produce Market Committee,
(Krishi Utpadan Bazar Samiti) Bihta, P.S.- Bihta, District- Patna.
3. Marketing Secretary, Bihar Agriculture Marketing Board (Abolished), Pant
Bhawan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Deovind Kumar Singh, Advocate Ms. Anuradha Kumari, Advocate
For the Respondent/s	:	Mr. Dhurjati Kumar Prasad, GP-14

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-12-2022

Heard learned counsel for the parties.

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

- (i) To direct the respondent authorities to restrain the respondent
no.-2 for cancellation of the allotment of shop cum Godown no.-
11 of the petitioner situated in the campus of Bazaar Samity ,
Bihta.
- (ii) To direct the respondent no.-2, to give the proper accounting of
the rent , which was received by him from the petitioner against
the allotment of the said shop from 41-1994 to March 2019.



(iii) To pass any order or orders as your lordship deems fit and proper in favour of the petitioner.

Learned counsel for the petitioner states that petitioner is ready and willing to deposit the amount as may be determined afresh by the authorities as rent due and payable for the premises leased out to the petitioner.

It is alleged that the rent so determined, subject matter of the present petition, is not in accordance with the terms and conditions of allotment.

We notice that the possession of the premises was handed over to the petitioner way back in the year 1994. The dispute is with regard to the rent payable for the period April, 2014 to March, 2015. On 30th of May, 2019, petitioner received the demand of Rs. 1,51,998/-, the amount payable as rent up to 10th of June, 2019. However, prior thereto, petitioner was not made aware of the exercise carried out by the respondents. Suddenly in the year 2019, a demand was raised by the respondents.



The respondents have tried to justify the same but, in our considered view, the determination of rent has to be on the basis of the terms and the policy of allotment.

As such, we quash and set aside the impugned communication dated 30.05.2019, issued by Respondent No. 2, namely, S.D.O. cum Special Officer of Agriculture Produce Market Committee, (Krishi Utpadan Bazar Samiti) Bihta, P.S. Bihta, District- Patna (Annexure-2, Page-16), whereby the petitioner has been asked to deposit the amount of Rs. 1,51,998/-.

Further direction to the petitioner to make himself available in the office of Respondent No. 2, namely, S.D.O. cum Special Officer of Agriculture Produce Market Committee, (Krishi Utpadan Bazar Samiti) Bihta, P.S. Bihta, District- Patna on 26th of December, 2022 at 10:30 A.M. when a date shall be fixed for affording the petitioner opportunity of placing the material in his support. Also the material on the basis of which the demand is raised would be provided



to the petitioner enabling him to respond thereto.

In full compliance of the principles of natural justice, Respondent No. 2, namely, S.D.O. cum Special Officer of Agriculture Produce Market Committee, (Krishi Utpadan Bazar Samiti) Bihta, P.S. Bihta, District- Patna shall determine the amount of rent due and payable to the petitioner, which the petitioner shall positively pay without any delay, within a period of six months, in four equal instalments.

The instant petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	13.12.2022
Transmission Date	

