

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18990 of 2019

1.1. Rajeev Ranjan, aged about 44 years (male), Son of Late Rameshwar Prasad, Resident of Macharganwa Kothi, Ward no. 34, Mohalla- Ujjain Tola, Near Old Bus Stand, P.O. Bettiah Town, P.S. Bettiah Town, District- West Champaran.

1.2. Rupesh Ranjan, aged about 42 years (male), Son of Late Rameshwar Prasad, resident of Machharganwa, Ward No. 11, P.O. Nautandubey, P.S. Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Member, Board of Revenue, Bihar, Patna.
3. The District Magistrate, West Champaran, at Bettiah.
4. The Manager, Bettiah Raj, Under the Court of Ward, P.S., Bettiah, District West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Suraj Samdarshi, Advocate
For the State	:	Mr. Sajid Salim Khan, SC-25
For the Resp. No. 2&4	:	Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-12-2022

Re.: I.A. No. 01 of 2022

For the reasons mentioned in the interlocutory application, the prayer made therein to substitute the names of legal heirs of the original petitioner namely, Rameshwar Prasad, is allowed.

Let names of legal heirs of the petitioner be



substituted, as mentioned in Para-6 of the application, in place of the petitioner, which are as under:

“6. (a) Rajeev Ranjan, aged about 44 years (male), Son of Late Rameshwar Prasad, Resident of Macharganwa Kothi, Ward no. 34, Mohalla- Ujjain Tola, Near Old Bus Stand, P.O. Bettiah Town, P.S. Bettiah Town, District- West Champaran.

(b) Rupesh Ranjan, aged about 42 years (male), Son of Late Rameshwar Prasad, resident of Machharganwa, Ward No. 11, P.O. Nautandubey, P.S. Bairiya, District- West Champaran.”

Interlocutory application stands disposed of.

Registry to make necessary correction in the memo of parties, both in the digital as well as physical file also.

Re.: CWJC No. 18990 of 2019

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

“(i) For issuance of a an appropriate writ(s), order(s) or direction(s) in the nature of Mandamus directing the respondent authorities and in particular the respondent no. 4, for execution of a perpetual lease agreement, which is due, despite payment of Salami and annual rent as per the order passed by this Hon'ble Court in C.W.J.C. No. 14046 of 2013.

(ii) For a direction to the respondent authorities and in particular the respondent no. 4, to renew the lease on the same terms and conditions as was executed on



2.2.1976.

(iii) Alternatively for a direction to the respondent no. 4 to execute sale deed in favour of the petitioner after accepting the differential amount of the current market value for the land in question, as per the existing policy decision of the State with regard to the property belonging to Bettiah Raj.

(iv) To hold that the action of the respondent authorities and in particular the respondent no. 4, so far as delay in execution of the lease deed is concerned, is illegal and arbitrary in view of the order dated 14.5.2014 passed in C.W.J.C. No. 14046 of 2013; and for any other relief(s) for which the petitioner may be found entitled to in the facts and circumstances of the present case.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned to consider and decide the representation, which the petitioner shall be filing for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.



Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned i.e. Respondent No. 2, namely, The Member, Board of Revenue, Bihar, Patna, by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) 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;



(f) Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits of the matter. All issues are left open;

(h) We expect that the appropriate authority shall consider and decide the petitioner's application/request expeditiously and preferably within a period of three months from the date of its presentation.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	13.12.2022
Transmission Date	

