

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16830 of 2018

1. Manir Miyan and Ors son of Aasmahamad Miyan, resident of Village- Rani Pakari, Pipra Pakari, District- West Champaran.
2. Niraj Rai, son of Surendra Rai, resident of Village- Loharpatti, P.S. Muffasil Bettiah, District- West Champaran.
3. Dinesh Chandra Verma, son of Late Suresh Chandra Verma, resident of Village and P.O.- Pipra Pakari, Bettiah, District- West Champaran.
4. Ajit Kumar Rao, son of Madhav Rao, resident of Village- Laukariya, P.S.- Bairiya, District- West Champaran.
5. Jai Prakash Rao, son of Bhola Rao, resident of Village and P.O.- Sansarai, P.S.- Muffasil, Bettiah, District- West Champaran.
6. Rajendra Pandit, son of Mahanth Pandit, resident of Village- Krishna Nagar, Bettiah, P.S.- Mufasil, Bettiah, District- West Champaran.
7. Zakir Baleegh, son of Late Md. Izhar Hussain, resident of Village- Baswariya, P.S.- Bettiah, District- West Champaran.
8. Ramasharya Sah, son of Sudama Sah, resident of Village- Lalgarrh, P.S.- Muffasil, Bettiah, District- West Champaran.
9. Sahim Ahmad, son of Aas Mohammad, resident of Village- Rani Pakari, Pipra Pakari, District- West Champaran.
10. Paras Rai, son of Late Manshi Rai, resident of Village- Loharpatti, P.S. Muffasil, Bettiah, District- West Champaran.
11. Lallan Kumar, son of Prahlad Prasad, resident of Village- Purani Gudri, Arya Samaj Road, Bettiah, District- West Champaran.
12. Afroz Akhtar, son of Late Abdul Kalam, resident of Village- Mansa Tola, P.S.- Muffasil, Bettiah, District- West Champaran.
13. Gauri Shankar Sah, son of Gupesh Sah, resident of Village- Lalgarrh, P.S.- Muffasil, Bettiah, District- West Champaran.
14. Nurul Nasha, wife of Nashar Ahmad, resident of Village- Mansa Tola, P.S.- Muffasil, Bettiah, District- West Champaran.
15. Jogendra Prasad, son of Late Chokat Prasad, resident of Village- Dhumnagar, P.S. and P.O. Bettiah, District- West Champaran.
16. Pradeep Kumar Tiwari, son of Vidya Tiwari, resident of Village- Rani Pakari, Pipra Pakari, District- West Champaran.
17. Sagar Kumar, son of Braj Kishore Prasad Verma, resident of Village and P.O.- Ganauli, P.S. Muffasil, Bettiah, District- West Champaran.
18. Md. Shakir Karim, son of Late Izhar Hussain, resident of Village- Baswariya, Bettiah, District- West Champaran.
19. Jhulan Paswan, son of Maghu Paswan, resident of Village- Khadda Pandit, P.O. and P.S. Nautan, District- West Champaran.
20. Nathuni Pandit, son of Sahodra Pandit, resident of Village- Kalibagh, P.O. and P.S.- Bettiah, District- West Champaran.



21. Sanjay Kumar, son of Prahlad Prasad, resident of Village- Purani Gudri, P.O. and P.S.- Bettiah, District- West Champaran.
22. Javed Monazir, son of Monaizirul Islam, resident of Naya Tola, P.O. and P.S.- Bettiah, District- West Champaran.
23. Alok Kumar Verma, son of Nathuni Prasad Verma, resident of Village- Rani Pakari, Pipra Pakari, District- West Champaran.
24. Ramasharya Prasad, son of Thakur Barnwal, resident of Village- Ganauli, P.S.- Muffasil, Bettiah, District- West Champaran.
25. Rajiv Kumar Srivastava, son of Braj Kishore Prasad Verma, resident of Village- Ganauli, P.S.- Muffasil, Bettiah, District- West Champaran.
26. Ashok Kumar Tiwari, son of Chanchal Tiwari, resident of Village- Lalgah, P.S.- Muffasil, Bettiah, District- West Champaran.
27. Kapildeo Prasad, son of Rajendra Prasad, resident of Kushwaha Mobile Central, P.S.- Muffasil, Bettiah, District- West Champaran.
28. Md. Arman, son of Late Mohammad Suleman, resident of Village- Mansa Tola, P.S.- Muffasil, Bettiah, District- West Champaran.
29. Akhtar Hussain, son of Abdul Devan, resident of Village- Mansa Tola, P.S.- Muffasil, Bettiah, District- West Champaran.
30. Sitaram Prasad, son of Late Chokat Prasad, resident of Village- Dhumnagar, P.S. and P.O. Bettiah, District- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Agriculture Department, Government of Bihar, Patna.
3. The Administrator, Bihar State Agriculture Marketing Board, Pant Bhawan, Bailey Road, Patna.
4. The District Magistrate, West Champaran, Bettiah.
5. Sub- Divisional Officer, West Champaran, Bettiah.
6. Special Officer, Agriculture Produce Market Committee, Bettiah Dissolved.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Ms. Shrishti Singh, Adv.
For the State	:	Mr. Sarvesh Kumar Singh, AAG 13
		Mrs. Sunita Kumari, AC to AAG 13

=====

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

Date : 14-03-2023



1. The petitioner by way of this writ petition had prayed that the rent of Rs. 3 per sq. ft as held by this Court in its judgment and order dated 30.06.2010 passed in C.W.J.C. No. 12220/1992 ought to be adhered to by the respondents. As has come on record, the rent has been enhanced by the State Government vide its order dated 30.11.2017 to Rs. 7 per sq. ft. for the shops situated outside the Bazar Samiti and Rs. 6 per sq. ft. situated inside the Bazar Samiti. It is also informed that the petitioners who are owning shops at both the places, are paying rent accordingly. Keeping in view the said circular, this Court holds that the State has the power to enhance rent from time to time. However, the petitioners would be always free to object if the same is excessive. The issue whether the rent has been enhanced illegally can also be taken up. Be that as it may, as on today, since the rent is being paid at the rates which cannot be said to be excessive, no further directions need to be passed in the present case.

2. Learned counsel for the petitioner submits that the State does not have the authority to invoke the provisions of the **Bihar Buildings (Lease, Rent & Eviction) Control Act, 1982** with reference to the present shops because the shops are now part of the State property as per Section 32 of the Act of



1982. The issue is left open to be decided in suitable case.

3. The writ petition is disposed of.

(Sanjeev Prakash Sharma, J)

Sachin/-
Item No. 7

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

