

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15680 of 2015

=====

Rabindra Prasad Gupta Son of Late Muneshwar Sah R/o Village- Gusa Ghat,
P.S.- Sadar Darbhanga, District- Darbhanga. Petitioner/s
Versus

1. The State Of Bihar.
2. The Commissioner, Darbhanga Division, Darbhanga.
3. The District Magistrate, Darbhanga.
4. The Dy. Collector, Land Reforms (DCLR) Darbhanga Sadar.
5. The Anchal Adhikari, Darbhanga Sadar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.
For the Respondent/s : Mr. Md. R. Haque, SC-4

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-08-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for quashing the letter no.290 dated 04.04.2015 contained in Annexure-1, by which the respondent no.4 has directed the petitioner to deposit a sum of Rs. 2,80,000/- in *Anchal*, in the light of order dated 06.12.2013 passed by this Hon'ble Court in CWJC No.14491 of 2013.

3. Counsel for the petitioner submits that the basis of dispute is the settlement of *Gausa Ghat Sairat (Haat Bazaar)*, which was allowed to the petitioner and subsequently challenged before this Hon'ble Court in CWJC No.14491 of 2013 vide order dated 06.12.2023. The said petitioner is the bidder of year 2013-14 bid, which was allowed to the petitioner, which was subsequently cancelled and this Hon'ble Court directed to conduct a fresh bid for

the said *Mela*. Counsel submits that the finding of the Hon'ble Court is as follows:-

“At this stage it is pointed out by learned counsels for the parties that the said *Gausa Ghat Mela (Haat Bazar)* is held practically twice a year only on *Kartik Purnima* and *Maghi Purnima* and one of the said events has already passed in the month of November, 2013 itself and only the other event remains to be held some time in February, 2014. It is further submitted that respondent No.7 has already obtained the benefit of holding the *Mela* which was held in *Kartik Purnima* and therefore in the fresh bid which may be held on the basis of the annual bidding, only 50% of the amount shall be payable by the person who succeeds in the bidding process.

In view of the aforesaid submission of learned counsels for the parties, it is directed that the highest bidder should be held liable to pay only 50% of the annual bid amount and in case respondent No.7 succeeds in the matter in the fresh bidding process he shall pay the difference of what he had bid for earlier and the remaining amount. In case any other person succeeds in the fresh bidding process he shall be liable to pay only 50% of the amount of the fresh bid and the remaining 50% shall be treated to be the liability

of respondent No.7.

The writ application is, accordingly, allowed with the aforesaid observations and directions.

The personal appearance of the Commissioner, Darbhanga Division is dispensed with.”

4. Counsel for the petitioner submits that from the operative part of the order it transpires that there is no direction to the petitioner to pay 50%, as demanded by the respondent.

5. Counsel for the State submits that the Hon'ble Single Judge has directed the order from two situations. The first situation is, if the petitioner (respondent No.7 of earlier case) shall be the highest bidder and second situation is that if any person succeeded in fresh bidding process. He submits that observation of this Hon'ble Court is very much clear that the remaining 50% shall be treated as the liability of the respondent no.7 (present petitioner).

6. After going through the arguments of the parties, it is clear to this Court that the case of the petitioner comes within the second category, as observed by the learned Single Judge in CWJC No. 14491 of 2013. The observation of the Hon'ble Court is as follows:-

“In case any other person succeeds in the fresh bidding process he shall be liable to pay only 50% of the amount of the fresh bid and the remaining 50% shall be

treated to be the liability of respondent No.7 (Petitioner).”

7. This Court is of the view that by way of inserting the observation made by the Hon'ble Court in the ordersheet that the remaining 50% shall be treated as the liability of the respondent no.7 automatically means that the present petitioner, who conducted the *Haat* for half of the year, shall have the liability to pay the amount from the remaining 50% adjusting the amount, which he has already paid in the bid of year 2013-14 before the authorities.

8. From the order under challenge this Court is of the view that the order passed by the Deputy Collector Land Reform, Darbhanga is completely in accordance with the observation made by the Hon'ble Single Judge vide order dated 06.12.2013 in CWJC No.14491 of 2013.

9. Accordingly, the present writ application stands dismissed.

(Dr. Anshuman, J.)

Ashishsingh/-

U			
---	--	--	--