

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10422 of 2015

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Bishwanath Prasad Son of Late Yogendra Prasad, resident of - Ward No.15,
Nagar Parishad, Police Station District- Sitamarhi

... .. Petitioner/s

Versus

1. State Of Bihar
2. Collector, Sitamarhi
3. Deputy CollectorIn-Charge, Khas Mahal, Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Yogendra Mishra, Sr. Adv. Mr.Uma Kant Tiwary, Adv.
For the State	:	Mr. Mrigendra Kumar, AC to GP-20

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 03-04-2023 The present writ petition has been filed seeking the following reliefs:-

“2(i). An appropriate writ, order or direction quashing the notice dated 16.09.2005 issued by the Respondent nos.2 and 3 demanding the rent and Cess to the tune of Rs. 5,30,373/- as contained in Annexure "2", be issued.

(ii) An appropriate writ, order or direction commanding the respondents to accept the rent as per terms of the lease, be issued.

(iii) An appropriate writ, order or direction commanding the respondent nos.2 and 3 to renew the lease in favour of the petitioner with respect to Holding No.76/70 area 18 x 20 (360 Square Feet) within a time frame, be issued.”



At the outset, the learned counsel for the petitioner has relied on a judgment, rendered by a coordinate Bench of this Court, dated 15.11.2011 passed in CWJC No. 12960 of 2005 (Bindeshwar Prasad Gupta & Others vs. The State of Bihar & Ors.), to submit that without making any assessment, the Respondents are precluded from making any demand with regard to recovering rent and cess amount, hence, the petitioner be granted liberty to approach the District Magistrate, Sitamarhi, by filing appropriate representation regarding correct re-fixation of the rent and cess amount, especially taking into account the aforesaid judgment, rendered in the case of Bindeshwar Prasad Gupta & Others (supra).

Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose off the present writ petition with liberty to the petitioner to approach the District Magistrate, Sitamarhi and in case, appropriate representation is filed, annexing a copy of the aforesaid judgment, rendered by a coordinate Bench of this Court in the case of Bindeshwar Prasad Gupta & Others (supra), within a period of four weeks from today, the District Magistrate, Sitamarhi shall re-consider the veracity of the demand dated 16.9.2005 and pass a reasoned and a speaking order, in accordance with law, within a period of eight weeks,



thereafter.

The records of the two writ petitions bearing CWJC No. 3719 of 1998 and CWJC No. 1089 of 2001, which were called for by this Court, are directed to be returned back to the record room.

(Mohit Kumar Shah, J)

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