

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18365 of 2022

=====

SL RATHOUR HOTELS PRIVATE LIMITED through its Managing Director namely Santosh Kumar (Male aged about 48 years), son of Sri Suresh Prasad Singh, presently residing at House No. 10 Khagri Road Digha Police Station Danapur, Patna.

... .. Petitioner/s

Versus

1. Bihar State Tourism Development Corporation Ltd. through its Managing Director having its office at Beerchand Patel Path, Patna.
2. The Managing Director, Bihar State Tourism Development Corporation Ltd., Beerchand Patel Path, Patna.
3. The Additional General Manager, Bihar State Tourism Development Corporation Ltd., Beerchand Patel Path, Patna.
4. The Manager, Hotel and Lodge, Bihar State Tourism Development Corporation Ltd., Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Diwakar Prasad Singh, Advocate
		Mr. Amardeep Lokpriya, Advocate
For the Respondent/s	:	Ms. Anukriti Jaipuriyar, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 01-02-2023 Petitioner has prayed for the following relief(s):-

“That in this writ petition challenge is made to the action of the Respondents who are acting with biased & maliciously issued Memo No.2445/22 dated 09.12.2022 by which the allotment of petitioner concerning Hotel "YATRIKA ARERAJ, EAST CHAMPARAN" was cancelled under Colmn-09 "K" 12 "K" & the bank guarantee No.44101PEBG200001 was directed to be forfeited & the apparatus & other articles to Hotel was



directed to be seized under clause 12 "Kh" & "Gh" to agreement, & lastly the petitioner was directed to be Black Listed for the Five Years.

The respondent started harassing the petitioner due to filling of writ Petition No.1137 of 2022 by which the petitioner sought waiver of Licence Fees for the Pandemic period, since the Hotel industry was worst affected during the pandemic ran over the year, & the Hotel was closed during the whole pandemic period & thereafter in view of order & direction issued by Union Health Ministry, Ministry of Home affairs, & world Health Organization while the Hotels were specifically directed to remain closed during the aforesaid period, even Janta Curfew was clamped, train including entire Railway Service, transport was closed as such the petitioner sought to waive the licence fee for the period or sought rebate in annual Licence Fees by his application dated 22.06.20 (under receipt), & application dated 08.06.21 sent through e-mail which was unanswered until today subsequently the petitioner challenged order dated 17.08.22 passed by this Hon'ble Court passed in CWJC No.11974 of 2021 by filling LPA No. 478 of 2022 (SL RATHOUR HOTELS PRIVATE LIMITED VS Yash Raj, Dhrublok (J.V)) which is still pending, & another writ petition was filed challenging Notice Inviting Tender in which some erroneous clause was Tailored in NIT published on 15.06.2022 for execution of 14 property to BSTDC spread in Bihar. The petitioner failed to receive any waiver of fees but received series of letters by which mental



harassment & torture was made by Respondent by various letter & one of such is Memo No.1766/22 Dated 05.09.22 asking the sources of Annexure enclosed in LPA No.478 of 2022 filed before this Hon'ble Court by which it was directed to explain as to the sources from where the petitioner obtained the documents enclosed in LPA No. 478 of 2022 since it was recorded that the same letter was not issued to the petitioner. The respondent is pressurizing the petitioner to withdraw his LPA & writ petition & for which Memo No.1766/22 Dated 05.09.22 was issued & thereafter Letter No.2445 dated 09.12.22 was issued without any opportunity of hearing pretending non-payment of 2nd year Licence fees for the pandemic period while the Railway & Jharkhand Tourism Development Corporation etc waived the Licence fees for the pandemic period for which huge penalty was imposed upon the petitioner & his Bank guarantees was seized & apparatus & property of the petitioner in the Hotel was directed to be seized & the petitioner was directed to be black listed for five years as such present application is being filed for the relief's specifically & prayed in paragraph below :

(i) That for Issuance of appropriate writ order or direction or writ in the nature of certiorari quashing the Memo No. 2445/22 dated 09.12.2022 by which the allotment of petitioner concerning Hotel "YATRIKA ARERAJ, EAST CHAMPARAN" was cancelled under Colmn- 09 "K" 12 "K" & the bank guarantee No.44101PEBG200001 was directed to be attached & the apparatus & other articles to Hotel



was directed to be seized under clause 12 "Kh" & "Gh" to agreement, & lastly the petitioner was directed to be Black Listed for the Five Years, issued without any opportunity of hearing.

(ii) That for issuance of appropriate writ order or direction or writ in the nature of mandamus commanding the respondents not to encash the Bank Guarantee & not to interfere in the functioning of the Hotel "YATRIKA ARERAJ, EAST CHAMPARAN" until the disposal of writ application pending before this Hon'ble Court, since further the action against the petitioner was undertaken on the basis of pick & choose since other licensees who has not deposited Licence fees for the same period was not meted with such kind of harassment like cancelation of agreement, forfeiture of Bank Guarantee & black listing for five years.

(iii) That for issuance of appropriate writ order or direction or writ in the nature of mandamus commanding the Respondents not to dispossess the Petitioner from the Hotel "YATRIKA ARERAJ, EAST CHAMPARAN" until the disposal of writ application pending before this Hon'ble Court.

(iv) That for issuance of appropriate writ order or direction or writ in the nature of mandamus commanding the respondents that the issuance of Memo No.2445/22 dated 09.12.2022 is vitiated due to their arbitrary exercise of power & apparent violation of principles of natural Justice & due to failure of respondent in deciding the application dated 22.06.20 (under receipt), & application dated 08.06.21 sent through e-mail which was unanswered



until today.

(v) That for grant of any other relief or reliefs to which the petitioner be found entitled in law especially all along Cost of illegal harassment & torture on the basis of pick & choose.”

After the matter was heard for some time, learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to take recourse to such remedies as provided in terms of and under Clause 58 of the Agreement dated 05.08.2021 (Annexure-6 Page 24) entered into between the parties.

Prayer allowed with the liberty aforesaid.

We are sure that as and when any such proceedings is initiated, the same shall be adjudicated expeditiously in accordance with law.

Without expressing any opinion on merits, leaving all questions of fact and law open, the present petition is disposed of as withdrawn with the liberty aforesaid.

Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate



petition(s), if so required and desired.

Interlocutory application, if any, shall also stand
disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Sujit/Rajiv

U			
---	--	--	--

