

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18024 of 2024

Chandra Bhushan, aged about 59 years, Male, S/o Kapileshwar Prasad Sinha, Resident of Mohala- 21A Sanchar Lok Apartment Near Max hospital Patparganj I.P. Extention East Delhi, Delhi 110092 at present C/o Nilesh Kumar, 203, Aranay Vihar Apartment, Nand Gawn, Back Side of Patel Bhawan P.S.- Shastri Nagar, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Joint Commissioner cum Secretary Patna Division Patna Cum Incharge Officer Shri Krishan Memorial Development Committee Patna, Bihar.
2. The Joint Commissioner cum Secretary, Patna Division Patna Cum Incharge Officer Shri Krishan Memorial Development Committee Patna, Bihar.
3. The Joint Commissioner cum Secretary, Reasonal Transport Tribunal Cum Incharge Officer Shri Krishan Memorial Development Committee Patna, Bihar.
4. The Commissioner, Patna Division, Patna.
5. The Incharge Officer Shri Krishan Memorial Development Committee, Patna, Bihar.
6. The District Magistrate, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate.
For the Respondent/s : Mr. Standing Counsel (4).

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

3 03-12-2024 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the following reliefs:-

“(i) To issue writ mandamus in nature directing the respondent to issue order of settlement of 40,000 sqr ft. of land situated in Gandhi Maidan Patna on non-commercial rate for holding a book fair by which people of the state



may be enlightened. In light of application of petitioner dated 25.09.2024 which is received in the office on 01.10.2024.

(ii) To issue writ certiorari in nature setting aside the letter dated 30.10.2024 as contained in memo no. 406 issued under the signature of respondent No. 2 (Joint Commissioner-cum-Secretary Patna Division Patna-cum-Incharge officer) by which in place of granting permission for holding book fair rather a demand of Rs. 14,50032/- Lakhs has been demanded which is said to be dues up on the petitioner of year 2023 again which is said to be difference amount of non-commercial and commercial.

(iii) To issue direction to the respondents to grant permission for the month of first week of December, 2024.”

3. It is the case of the petitioner that the petitioner is conducting a book fair every year at Gandhi Maidan, Patna and the authorities used to give necessary permission for conducting the book fair at a rent of approximately Rs. 2,67,688/-. However, the authorities have abnormally increased the rent payable by the petitioner for the current year to Rs. 14,50,032/-.

4. Learned counsel appearing on behalf of the petitioner has stated that the book fair is being conducted for the good of the citizens of Patna and there is no commercial exploitation as such in conducting the book fair. That most of



the books shops are working under the no profit and loss gain and therefore, hiking the rent payable by almost five times is an arbitrary exercise of power and contrary to the well established principles of law. Learned counsel has stated that except for running a solitary tea stall, no other commercial activity is being undertaken by the petitioner. Though the petitioner has made a representation to the authorities concerned, the authorities have not heeded to the same and fixed the rent at Rs. 14,50,032/- . Learned counsel has therefore, prayed this Court to allow the present writ petition and reduce the rent payable by the petitioner.

5. Per contra, the learned counsel for the respondent-authorities has stated that the petitioner may be directed to give a suitable representation ventilating his grievance to the 2nd respondent who is the competent authority and also seeking fixation of a fair rent for running the book fair and the Respondent No. 2 shall consider the same and pass necessary orders in accordance with law.

6. Having regard to the above, the present writ petition is disposed of directing the petitioner to give a suitable representation to the Respondent No. 2 i.e. the Joint Commissioner-cum-Secretary, Patna Division Patna-cum-



Incharge Officer. On such representation being given, the authorities shall consider the same and pass necessary orders within a period of ten days from the date of the receipt of the copy of this order. The authorities shall duly take into consideration the fact that the book fair is being conducted by the petitioner for the benefit of the citizens and endeavour to fix the rent commensurate with the business that is being carried on.

7. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy, J)

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