

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.795 of 2024

1. Vinay Kumar Son of Vishwanath Seth, Resident of Village- Parasthua, Post Office- Dangri, Police Station- Kochas, District- Rohtas at Sasaram.
2. Sunil Kumar, Son of Babu Lal Gupta, Resident of Village- Kochas, Post Office- Kochas, Police Station- Kochas, District- Rohtas at Sasaram.
3. Sunil Kumar Singh, Son of Late Mangala Prasad Singh, Resident of Village- Anhari, Post- Gara, Police Station- Kochas, District- Rohtas at Sasaram.
4. Ramlakhan Prasad, Son of Ramabyas Prasad, Resident of Mohalla- Ward no. 07 Sarvoday Nagar, Police Station- Kochas, District- Rohtas at Sasaram.
5. Dinesh Kumar Gupta, Son of Ramji Sah, Resident of Mohalla- Ward no. 7 Kochas, Police Station- Kochas, District- Rohtas at Sasaram.
6. Rajesh Kumar Gupta, Son of Rajee Sah, Resident of Mohalla- Ward no. 7 Kochas, Police Station- Kochas, District- Rohtas at Sasaram.
7. Sunil Sah, Son of Chirnjivi Sah, Resident of Mohalla- Ward no. 5 Gandhi Nagar, Police Station- Kochas, District- Rohtas at Sasaram.
8. Ramesh Prasad Gupta, Son of Ramji Sahu, Resident of Mohalla- Ward no. 7 Kochas, Police Station- Kochas, District- Rohtas at Sasaram.
9. Anil Kumar, Son of yogendra Prasad Gupta, Resident of village- Parsathua, Post- Kathrai, Police Station- Baradih, District- Rohtas at Sasaram.
10. Shiv Kumar Shankar Sah, Son of Jamuna Sah, Resident of Village- Kochas, Police Station- Kochas, District- Rohtas at Sasaram.
11. Md. Hasim, Son of Md. Dilmohammad, Resident of Village Parsathua, Police Station- Baradih, District- Rohtas at Sasaram.
12. Dil Mohammad Miya, Son of Sahabuddin Miya, Resident of village- Parsathua, Police Station - Baradih, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
2. The Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
3. The District Magistrate, Sasaram.
4. The District Board, Sasaram, through its Chief Executive Officer, Sasaram.
5. The Deputy Development Commissioner-cum-Chief Executive Officer, District Board, Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Advocate
For the Stte	:	Mr. Subhash Prasad Singh, GA-3
For Zila Prishad	:	Dr. Anand Kumar, Advocate



Mr. Rajan Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-07-2024 Heard the parties.

2. The present writ application has been preferred for issuance of a writ in the nature *of mandamus commanding and directing the respondent authorities to fix the rent of shops as per the decision taken at the floor of the District Board dated 16.09.2017 whereby a decision was taken to fix the rent of the shop at the rate of Rs. 10 per Sq. Feet or maximum Rs.1000/- as monthly rent and thereafter allow the petitioners to run their respective shops situated in Parsathua, Rohtas at Sasaram and the petitioners further pray for issuance of consequential writ order or direction to respondent authority not to disturb the petitioner for running their shops and/or for issuance of such other orders for which the petitioners may be found legally entitled to in the facts and circumstances of the matter stated*



hereinafter.

3. The petitioners claim that they are having shops and a decision was taken by the District Board fixing the monthly rental as Rs. 1000/- per month but suddenly in the year 2023, a direction was given to pay a certain amount, the details of which has not been provided to them (Annexure-P/9 to the petition).

4. It is the submission of the learned counsel for the petitioners that they are ready to clear all the dues in the light of the decision dated 16.9.2017 passed by the District Board by making payment @ Rs. 1000/- per month pending since January, 2016. It is his contention that certain payments have been made and the rest over amount shall be paid in next four weeks.

5. He has taken this Court to an order of the Patna High Court in Shashi Kant Rai and Ors vs. the State of Bihar & Ors (C.W.J.C. No. 9051 of 2018) and analogous cases decided on 19.6.2023 relating to the Zila Parishad, Rohtas at Sasaram and submitted that for the ends of justice, in case, the similar order passed, they are ready to comply the same.

6. Learned counsel appearing on behalf of the District Board do not have any objection.



7. The order passed in Shashi Kant Rai (supra) read as follows:

(i) Heard learned counsel for the petitioners and learned counsel for the State along with the learned counsel for the Zila Parishad, Rohtas, Dr. Anand Kumar.

(ii) Learned counsel for the petitioners submits that a decision has been taken by the District Board, Rohtas, Sasaram dated 16.09.2017 with regard to the dispute which has arisen in the present writ application. It is next submitted that the District Board had taken a decision based on the objection raised by the petitioners that the rent which is being demanded, with respect to their shop leased out by the District Court, is exorbitant. Learned counsel next submits that, accordingly, the objection of the petitioners were taken into consideration by the District Board in its meeting dated



16.09.2017 and a decision was arrived at that the maximum rent which can be charged from the shopkeepers would be Rs. 1,000/- per month. Learned counsel next submits that the petitioners were allotted shop by the District Board in the year 1983 in pursuance whereof agreement was executed as would be evident from Annexure 1.

(iii) Learned counsel next submits that the District Board had issued license in favour of the petitioners for innning the shop in the year 1983-84 etc. It is next submitted that petitioners since 1983 onwards are running the shop and are carrying their business for their livelihood. Learned counsel next submits that the petitioners since the date of grant of license for running the shop have been paying the rent regularly. It is next submitted that the dispute arose in the year 2013-14.



(iv) Learned counsel submits that from 2013, the petitioners were ready and willing to pay the rent which they were paying but the authorities of the District Board were not accepting the rent from them on the ground that increase in rent of the shop was contemplated.

(v) At this stage, the learned counsel appearing for the District Board interjects and submits that it absolutely does not stand to reason that as to why the District Board would not have accepted the rent of the shop in question when in the year 2013, there was no increase in the rent.

(vi) Learned counsel for the Board next submits that the Deputy Development Commissioner-cum-Chief Executive Officer, Rohtas, Zila Parishad, Sasaram vide his letter No. 283 dated 06.02.2018 issued notice to one of the petitioners for paying the rent at the rate of Rs. 2,160/-



per month. Learned counsel next submits that the said enhancement in rent was done in view of the decision taken by the Zila Parishad in its ordinary meeting dated 19.12.2015 and 03.02.2016 as would be evident from the letter dated 06.02.2018 itself. Learned counsel next submits that similar notices were issued to other petitioners also. It is next submitted that, accordingly, the petitioners were directed to deposit the rent at the enhanced rate including the arrears but the same also till date has not been deposited.

(vii) Learned counsel for the petitioner rebuts the submission of the learned counsel for the Board and submits that, no doubt, a decision in the ordinary meeting of the Zila Parishad, as recorded herein above, was taken to enhance the rent but then objections were raised by the shopkeepers before the Board based



on which the aforesaid decision to charge Rs. 1,000/- per month was arrived at.

(viii) earned counsel for the petitioners submits that petitioners since 1983 are running the shops and they are even willing to pay the amount based on the decision taken by the Zila Parishad in its meeting dated 16.09.2017.

(ix) Learned counsel for the Board submits that the document dated 16.09.2017 on which the learned counsel for the petitioners is relying is not on record to which the learned counsel for the petitioners submits that the same would be brought on record.

(x) At this stage, learned counsel for the petitioners submits that since the Deputy Development Commissioner-cum-Chief Executive Officer, Rohtas had increased the rent in view of the decision taken by the District Board in the year 2014-15 then why the subsequent decision taken



in the year 2017 is not being acted upon.

(xi) Learned counsel for the petitioner, at this stage, submits that he is providing the decision of the District Board dated 16.09.2017 to the learned counsel appearing for the Zila Parishad in the Court itself though not on affidavit.

(xii) Learned counsel for the Zila Parishad thus seeks time for filing a supplementary counter-affidavit dealing with the issues raised by the learned counsel for the petitioners as recorded in the present writ application.

(xiii) put up this case on 15.5.2023.

8. With the consent of the parties, this Court disposes of the writ petition with the following directions:

- (i) the petitioners shall individually approach the respondents alongwith Demand Draft showing the payment of entire dues @ Rs. 1000/- per month up-till 31.7.2024;
- (ii) each individual shall be filing



separate petition for renewal of his/her shop to be considered by the District Board positively;
(iii) the matter shall be referred to the Rent Controller and the decision given by him/her shall be binding upon the petitioners herein.

9. In this case also, it is made clear that the present order is being passed taking into account the submission put forward by the learned counsel for the petitioners that all of them are in possession of the shops.

10. The process be completed within three months from the date of submission of the individual petition alongwith Bank Drafts by the petitioners.

11. The writ petition stands disposed of the aforesaid observation.

(Rajiv Roy, J)

Ravi/-

U			
---	--	--	--

