

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1250 of 2022

Ashok Kumar Agrawal Son of Puranamal Sarabagi Resident of Village-
Somvar Hat, Post Office- Salmari, Police Station- Azam Nagar (Salmari
O.P.), District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reform, Government of Bihar, Patna.
2. The Special Secretary to the Government, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Collector, Katihar, District- Katihar.
4. The Additional Collector, Revenue and Land Reform, Katihar.
5. The Sub-Divisional Officer, Barsoi Sub-Division, Katihar.
6. The Circle Officer, Azam Nagar Circle, District- Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Md. Helal Ahmad, Adv.

For the Respondent/s : Mr.Rishi Raj Sinha SC 19

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 01-08-2025

In the instant writ petition, petitioner has prayed for
the following relief (s) :-

*“For issuance of a writ in the nature of
certiorari and/or any other appropriate
writ or writs, order(s) or direction(s), is for
quashing of order dated 06.12.2021 issued
by Circle officer, Azam Nagar, Katihar,
whereby and whereunder petitioner has*



been asked to deposit due amount of Rs. 5,00,000/- (Five Lakhs) as petitioner has deposited Rs. 32,46,520/- against the total amount of Rs. 37,46,520/- (Thirty Seven Lakh forty six thousand five hundred twenty) which was total auction amount for the settlement of Salmari Hat for the financial year 2021-22 and, further direct the respondent(s) to compensate petitioner for the losses occurred due to closer of Hat on account of Covid-19 pandemic and during pendency of this writ petition stay the impugned order dated 06.12.2021 passed by the Circle Officer, Azamnagar Circle, district-Katihar.”

2. Learned counsel for the petitioner submits that out of the total auction amount of Rs. 37,46,520/- for the settlement of Salmari Hatt for the financial year 2021-22, petitioner has deposited an amount of Rs. 32,46,520/- and he has not deposited the remaining amount of Rs. 5,00,000/-. It is submitted that during the course of Covid-19 pandemic, by order dated 04.05.2021 the Government of Bihar directed for lock-down of institution. The lock-down was thereafter extended till 25.05.2021 by the State Government by order dated 15.05.2021 and thereafter it was again extended till 01.06.2021 by the State Government by order dated 25.05.2021 and even after that lock-



down was imposed. The State Government constituted district level committee to look after such loss to the settlee. It is submitted that the Circle Officer, who is also a member of the said Committee, instead of referring the matter of loss caused to the petitioner passed the impugned order dated 06.12.2021 as contained in Annexure-1. It is submitted that for the reason which was beyond the control of the petitioner, petitioner cannot be held liable as the subject matter for which the settlement has been made in favour of the petitioner did not work. Petitioner has neither intentionally nor deliberately is responsible for the alleged lock-down resulting in non-functioning of the Salmari Hat. It has been submitted that while passing the impugned order dated 06.12.2021 asking the petitioner to deposit the due amount of Rs. 5,00,000/-, the concerned authority has not taken into account the Covid-10 pandemic period which was prevailing globally at the relevant time.

3. Learned counsel for the State submits that the thrust of contention of the learned counsel for the petitioner is that petitioner is neither intentionally nor deliberately liable for the imposition of lock-down as a result of which the functioning of the Salmera Hatt was closed down. It is submitted that only essential Food Articles, Fruits, Vegerables, Meat-Fish, Milk are



sold and purchased in aforesaid Salmari Hatt and this Hatt was never closed in the period of Covid-19, because those are essential commodities and remained exempted in the light of the order of the State Government, as mentioned in para 5 of the counter affidavit filed on behalf of Circle Officer, Azam Nagar, Katihar (respondent no. 6). Learned counsel has, however, submitted that if petitioner files fresh representation raising the grievances, which has been raised in the present writ petition, that petitioner is neither intentionally nor deliberately liable/responsible for imposition of Covid-19 pandemic as a result of which the said Salmera Hatt remained closed, the competent authority will look into the matter.

4. Considering the facts and circumstances of the case, the arguments advanced on behalf of both the parties and the materials available on record, the present writ petition is disposed of with liberty to the petitioner to approach the authority concerned for redressal of his grievance, which has been raised by the petitioner in the present writ petition, within a period of four weeks from the date of receipt of a copy of this order. The concerned authority is directed to consider and dispose of the grievance of the petitioner, in accordance with law, after giving him due opportunity of hearing expeditiously



within a reasonable period of time, without being prejudiced by
the present order.

(Alok Kumar Pandey, J)

mcverma/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.08.2025
Transmission Date	NA

