

(2003) 02 JH CK 0071

In the Jharkhand High Court

Case No : C.W.J.C. No. 255 of 1995 (R)

Naya Bazar Dukandar Sangh and Others

APPELLANT

Vs

Ranchi Regional Development Authority and Another

RESPONDENT

Date of Decision : 02-02-2003

Acts Referred:

Citation : (2003) 2 JCR 1

Hon'ble Judges : Tapen Sen, J

Bench : Single Bench

Advocate : A.K. Sahani, for the Appellant; Arvind Kumar Singh, for the Respondent

Final Decision : Dismissed

Judgement

Tapen Sen, J.—Heard Mr. A.K. Sahani, learned counsel for the petitioners and Mr. Arvind Kumar, learned counsel for the respondents.

2. The petitioners in the instant case have prayed for quashing the order signed on 21.11.1994 (Annexure-8) passed by the respondent No. 2 (Vice-Chairman, Ranchi Regional Development Authority) by which, it was decided to fix the rents of the shops at Rs. 2.50 per sq. ft. per month. It was further decided that the shops situated in Kanke would have a lower scale of rent per sq.ft., i.e., Rs. 2.00 per sq.ft. per month. In other words, the effect of the order was that the rents of shops of Markets and KIOSKS situated in the Ranchi Town area would be at the rate of Rs. 2.50 per sq.ft. per month and that the Kanke Market at the rate of Rs. 2.00 per sq.ft. per month. The rate of rent was made applicable with effect from 1.12.1994. It was further decided that the rates would be revised after every three years.

3. During the course of arguments, Mr. Arvind Kumar Singh, learned counsel for the respondents drew attention of this Court to a Supplementary counter affidavit and submitted that during the pendency of the writ application a meeting was held on 25.7.1996 between the representatives and all markets,

owned by RRDA and the authority. He further submitted that the petitioner association was duly represented through its President, Vice-President and its Secretary. A copy of the minutes of the said meeting has been annexed as Annexure-A to the said counter affidavit.

4. From a perusal of the said minutes, it appears that after due deliberations, it was unanimously resolved that for shops situated in the New Market, Kanke and Birsa Bus Stand, Kanta Toll, the rate of rent would be Rs. 1.05 per sq.ft. per month. The shops situated at New Market, Ratu Road, Ranchi (108 shops which were constructed in 1970) and shops situated in the New Daily Market, Main Road, Ranchi, the rate of rent would be Rs. 2.00 per sq.ft. per month. It also appears that these rents were agreed to be made applicable with effect from January, 1996. It is further stated that all the representatives of the association have given an under taking/assurance that they would deposit all arrears by July, 1996. It was further also resolved that the aforementioned rents would not be applicable to other shops belonging to authority. Finally, it was also resolved unanimously that this writ petition CWJC No. 255 of 1995(R) would be withdrawn.

5. In that view of the matter, no further order is required to be passed in this case.

6. Mr. A.K. Sahani, learned counsel for the petitioner submits that in view of the said agreement, he be allowed to withdraw the writ petition. The writ petition is therefore dismissed as withdrawn.