

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.11410 of 1996**

Hardwar Pandey son of late Pt. Ram Dutt Pandey, a resident of Mahabir Bhawan,  
Club Road, Ara, District-Bhojpur.

.... .... Petitioner/s

Versus

1. The Collector, Bhojpur, Ara.
2. The Commissioner, Patna Division, Patna
3. The Executive Engineer, Advance Planning, Field Survey Division, 1<sup>st</sup> Floor,  
Mahabir Bhawan, Club Road, Ara, District-Bhojpur.
4. The State of Bihar.

.... .... Respondent/s

**Appearance :**

For the Petitioner/s : Mr. A.B.OJHA

For the Respondent/s : Mr. (GP2)

Mr. Jai Shankar Pathak

Mr. Anil Kumar Jha(G.A-2)

**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

**ORAL JUDGMENT**

**Date: 04-02-2015**

Heard learned counsel for the petitioner and learned  
counsel for the State.

In this case, the petitioner is challenging the order dated  
17<sup>th</sup> May 1995/ 24<sup>th</sup> August 1995 and order dated 12<sup>th</sup> August 1996/  
9<sup>th</sup> September 1996 passed by respondent No. 1 in House Control  
Appeal No. 1 of 1994-95 and order dated 21<sup>st</sup> November 1995 and 8<sup>th</sup>  
April 1996 passed by respondent No.2 in Revision Case No. 193 of  
1995 and Revision Case No. 108 of 1996 and also making prayer for  
quashing of entire appeal bearing House Control Appeal No. 1 of  
1994-95 pending before respondent No.1 and also making prayer for  
payment of arrear of rent in terms of the order and judgment dated

13<sup>th</sup> September 1993 passed by the House Controller-cum-Divisional Magistrate, Sadar, Ara.

As per the claim of the petitioner, the premises in question was originally belonging to his mother and after her death, he became heir and successor of that property which was given on rent at the rate of Rs. 2,200/- per month from 14<sup>th</sup> August 1984 and it was, later on, enhanced to Rs. 3,300/- with effect from 16<sup>th</sup> March 1991.

An application was filed before the House Controller-cum-SDO, Sadar, Ara for proper fixation of fair rent which was numbered as Case No. 13 of 1996.

The House Controller after proper examination, passed the order on 13<sup>th</sup> September 1993, thereby fixed the fair rent at the rate of Rs. 6,000/-. Against that order, Respondent No. 3 filed an appeal on 6<sup>th</sup> September 1995 before the Appellate Authority which was registered as House Control Appeal No. 1/1994-95.

There was a delay of 358 days, along with Memo of appeal an application for condonation of delay was also filed which was allowed and that was challenged in Revision Case No. 135 of 1995 and the Revisional Court dismissed the revision application and held that the Collector has rightly condoned the delay in filing the appeal.

This Court does not find any error in the order passed by the Collector and the Revisional Court. While admitting this writ, this Court did not grant the relief of stay, in such view of the matter, there is all probability that the Appellate Authority must have passed the order on merit itself.

This Court does not find any merit in the present application and the same is accordingly dismissed.

**(Shivaji Pandey, J)**

Mahesh/-

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