

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10523 of 2014

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Sri Shyam Sunder Prasad, son of Late Sri Bisu Das, resident of Ward no.2,
near Sub Divisional Hospital, P.S- Barh, District- patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Minor Irrigation Department, Bihar, Patna.
2. The Commissioner, Minor Irrigation Department, Bihar, Patna.
3. The Executive Engineer, Minor Irrigation Department, Bihar, Patna.
4. The Collector, Patna.
5. The Senior Superintendent of Police, Patna.
6. The Sub Divisional Officer, Minor Irrigation Sub Division, Barh at Usuf Garden Road, Barh, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chittaranjan Sinha, Sr. Adv. with
Mr. Syed Ashfaque Ahmad

For the Respondent/s : Mr. Yogendra Prasad Sinha, AAG-15

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 08-01-2015 Heard Mr. Chittaranjan Sinha, learned senior counsel

appearing on behalf of the petitioner and learned counsel

appearing for the State.

The petitioner in the present writ petition has prayed
for a direction to the authorities of the respondent Minor
Irrigation Department to vacate the premises of the petitioner
occupied by them as well as for payment of arrears of rent.

Mr. Sinha, learned senior counsel appearing on
behalf of the petitioner in support of the relief prayed has
referred to the following judgments:

(i) **2011 (2) PLJR 104 (Mr. Anwar Hasan vs.**

Central Bank of India); and

(ii) 2002 (1) PLJR 366 (Subodh Kumar Singh vs. The State of Bihar).

Learned counsel for the petitioner submits that availability of alternative remedy would not be a bar to exercise of discretionary jurisdiction in the peculiar circumstances of the case where the occupants are State authorities.

I have heard learned counsel for the parties. Apart from the fact that the petitioner has a forum and remedy available under the Bihar Buildings (Lease, Rent and Eviction) Control Act, 1982 (hereinafter referred to as 'the Act') and he can take recourse to the same, even the judgment relied upon by learned counsel do not come to his rescue for in those cases, the authorities of the State Government were bound under a contract to discharge their obligation whereas in the present case it is upon an oral arrangement that the house in question has been given on rent to the authorities of the State of Bihar. It is also not in dispute that for an appropriate fixation and payment of rent, the matter is pending consideration before the Rent Controller.

In the circumstances discussed and considering that the petitioner has his remedy under 'the Act' for the grievance raised herein and in view of the pendency of the matter before

the Rent Controller for fixation of fair rent, I am not persuaded to grant indulgence to the prayer made in the writ petition which is accordingly disposed of.

(Jyoti Saran, J)

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