

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7539 of 2014

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Mukesh Kumar Singh son of Late Janardan Prasad Singh, resident of village- Debha, P.S.- Hasanpur, District- Samastipur, at present Mohalla- Kashipur, Ward No.- 10, Town, P.S. & District- Samastipur

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Schedule Caste and Schedule Tribe Development Department, Govt. of Bihar, Patna, Old Secretariat at Patna
2. The Director, Schedule Caste and Schedule Tribe Development Department, Govt. of Bihar, Patna
3. The Dy. Director (Head Quarter), Schedule Caste and Schedule Tribe Development Department, Govt. of Bihar, Patna
4. The District Magistrate, Samastipur
5. The Sub-Divisional Officer-cum-Rent Controller, Samastipur
6. The District Welfare Officer, Samastipur
7. The Head Master, Govt. Ambedkar Girls Residential High School, Samastipur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh

For the Respondent/s : Mr. Devendra Kr Sinha, AAG-2

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 07-08-2015 Heard Sri Abhay Shankar Singh, learned counsel for the petitioner and Sri Devendra Kumar Sinha, learned AAG-2.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for directing the Respondents for making payment of admitted arrears of rent of petitioner's premises, which was earlier taken on rent by Respondent/State for running a Government School. It has been pleaded that the premises of the petitioner was used from the Month of April, 2010 till 31st October, 2012. However,

subsequently, the premises was vacated. It has been pleaded that in respect of fair rent of the premises, the House Controller under the Bihar Building(Lease, Rent and Eviction) Control Act, 1982 has fixed rent and thereafter till date i.e. after vacating the premises about Rs.2, 59,092/- as arrear rent is still outstanding.

In this case, a counter affidavit has been filed on behalf of Respondents and in paragraph-10, a specific stand has been taken that as soon as allotment is received, the admissible arrear of rent will be done (paid) quickly. Meaning thereby that the claim of the petitioner has not been disputed. Only a plea has been taken regarding allotment of fund. The Court is of the opinion that since the premises has been vacated in the year, 2012 the State may not be allowed to take such a plea regarding delay in clearing the due rent on the plea of allotment. It has been argued that till date, entire payment has not been made, whereas the counter affidavit was filed on 24th November,2014.

In view of facts and circumstances, the Court is of the opinion that the writ petition can be disposed of in view of statement made in the writ petition as well as statement made in paragraph-10 of the counter affidavit.

The writ petition stands disposed of directing the Respondent/State to make payment of all admitted due rent to the

petitioner within a period of six weeks from the date of receipt/production of a copy of this order, if already not paid.



(Rakesh Kumar, J)